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Matt Blunt

Secretary of State

MISSOURI REGISTER

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MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at http://www.sos.mo.gov/adrules/pubsched.asp

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 13—Boll Weevil Eradication

EMERGENCY AMENDMENT

2 CSR 70-13.030 Program Participation, Fee Payment and Penalties. The division is amending section (1), deleting section (2) and amending and renumbering sections (3)–(5).

PURPOSE: This amendment eliminates the requirements of filing intended cotton acreage for the program and associated penalties, allows the Certified Cotton Growers Organization to designate due date for assessments on an annual basis, adds an option of filing an assignment form with Farm Service Agency (FSA) when requesting a waiver for assessment payment, requires filing a location registration form for noncommercial cotton, and eliminates the process of filing stalk destruction forms at local FSA offices.

*EMERGENCY STATEMENT: This emergency amendment is necessary to protect the welfare of cotton growers in the state who must participate in this mandatory program. This emergency amendment allows adjustment of the assessment due date and provides a procedure for any cotton grower to delay assessment payment without penalties or interest. Weather conditions have delayed harvest, which necessitates an adjustment in the assessment payment date and process. This amendment will further impact cotton growers by providing a procedure to delay assessment payments and not incur penalties or interest. As a result, the Plant Industries Division finds a compelling governmental interest, which requires this emergency amendment. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency amendment and complies with the protections extended in the **Missouri** and **United States Constitutions**. The Plant Industries Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 21, 2003, effective August 31, 2003 and expires February 16, 2004.*

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Upon passage of the grower referendum conducted under the provisions of section 263.527, RSMo 2000, all cotton growers in the affected regions as set out in 2 CSR 70-13.015, as defined by the Certified Cotton Growers Organization, shall be required to participate in the boll weevil eradication program as follows:

(A) Upon implementation of a boll weevil eradication program, all cotton growers in an eradication area shall certify their actual cotton acreage with their local Farm Service Agency (FSA) office in accordance with the FSA final certification date*[.]***;** *[All cotton growers shall also file a cotton acreage reporting form with their local FSA office by May 15, indicating intended cotton acreage to be planted during the current growing season. Intended cotton acreage filing will be required starting with the second year of the eradication program;]*

(B) Each year the boll weevil eradication program is in operation, the Certified Cotton Growers Organization shall set an assessment fee *[by January 1 of]* each year, which shall not exceed fifteen dollars ($15) per acre **of cotton as certified with FSA including any non-certified cotton acreage that is trapped and/or treated**; *[and]*

(C) *[All fees paid by cotton growers shall be made payable and submitted to the Missouri Department of Agriculture by October 15 d]***D**uring each year that the eradication program is in operation*[.]***, all cotton growers shall pay all fees to the Missouri Department of Agriculture by the date set by the Certified Cotton Growers Organization, but in no event shall each year's payment date be set after December 1; and**

(D) Upon notification from the department, the grower of any noncommercial or ornamental cotton grown in the state shall file a location registration form with the department.

[(2) Any cotton grower underreporting by more than ten percent (10%) of the actual planted cotton acreage, as determined by FSA certified or measured acreage, will be assessed a penalty of five dollars ($5) per acre on that

acreage, in addition to the annual assessment fee. Any cotton grower underreporting cotton acreage by more than ten percent (10%) may apply for a waiver. Any cotton grower applying for a waiver shall make application in writing, to the director stating the conditions under which they request the waiver. The decision whether or not to waive all or part of these requirements shall be made by the director and notification given to the cotton grower within two (2) weeks after receipt of such application.]

[(3)] **(2)** Failure to pay all assessments due on or before *[October 15 of the current growing season]* **such date as designated by the Certified Cotton Growers Organization** will result in a penalty fee of **up to** five dollars ($5) per acre. A cotton grower who fails to pay all assessments, including penalties, is subject to all provisions of section 263.534, RSMo 2000.

[(4)] **(3)** Any cotton grower may apply for a waiver requesting delayed payment**.** *[under conditions of financial hardship or bankruptcy.]* Any cotton grower applying for a waiver shall make application in writing to the director on a form prescribed by the director. This request must be accompanied by **an assignment of payment form (FSA form CCC-36, which is incorporated by reference) designating the Missouri Department of Agriculture as first assignee. Should a grower not be eligible to use FSA form CCC-36 as required,** a financial statement from a bank or lending agency *[supporting such request]* **will be required to be submitted with the waiver application**. *[No waiver for financial hardship shall be granted to any cotton grower whose taxable net income for the previous year exceeds fifteen thousand dollars ($15,000).]* Any cotton grower granted a waiver request *[for financial hardship or bankruptcy]* **and submitting FSA form CCC-36 will not be charged additional penalties or interest for delayed payment. Growers who do not have an FSA CCC-36 form on file with the waiver application** will be charged interest payable at a rate equal to one percent (1%) above prime per annum as listed in the *Wall Street Journal* on the date of the waiver application. The decision whether or not to waive all or part of these requirements shall be made by the director with the approval of the Board of Directors of the Certified Cotton Growers Organization and notification given to the cotton grower by the director within thirty (30) days after receipt of such application. Failure to file a completed waiver request for delayed payment on or before *[October 15 of the current growing season]* **the designated assessment payment deadline** will result in a penalty fee of **up to** five dollars ($5) per acre.

[(5)] **(4)** At such times as are beneficial to the boll weevil eradication program, the Certified Cotton Growers Organization may authorize credits for early cotton stalk destruction. Such credits shall be applied to the subsequent year's assessment as determined by the Certified Cotton Growers Organization. In order to claim such credits—

(A) The cotton grower must **have a** complete**d** *[a]* stalk destruction verification form*[. Such forms must be completed at the local FSA office]*;

(B) The stalk destruction must be verified by an authorized representative of the Certified Cotton Growers Organization; and

(C) The stalk destruction verification form must be received at the department no later than December 1 of the current growing season.

AUTHORITY: sections 263.505, 263.512, 263.517, 263.527 and 263.534, RSMo 2000. Original rule filed June 29, 1999, effective Dec. 30, 1999. Amended: Filed March 29, 2001, effective Oct. 30, 2001. Emergency amendment filed Aug. 21, 2003, effective Aug. 31, 2003, expires Feb. 16, 2004. A proposed amendment covering this same material is published in the issue of the ***Missouri Register****.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf *and Hard of Hearing*
Chapter 200—Board for Certification of Interpreters

EMERGENCY RULE

5 CSR 100-200.045 Provisional Restricted Certification in Education

PURPOSE: This rule outlines how an individual may be granted a Provisional Restricted Certification in Education for interpreting in only elementary and secondary school settings.

EMERGENCY STATEMENT: This rule specifies the procedures that must be followed in order for an individual interpreter to be granted a Provisional Restricted Certification in Education. This rule is necessary in order to ensure that public schools in Missouri can secure the services of an adequate number of sign language interpreters during the 2003–2004 school year in order to meet the needs of deaf and hard of hearing students who require interpreters.

In 1997, when the rules for implementing the Missouri Interpreters Certification System were first adopted, rule 5 CSR 100-200.170 was approved by the Missouri Commission for the Deaf and Hard of Hearing. 5 CSR 100-200.170 specified that in order for interpreters to provide services in Missouri public schools they needed to be certified at an Intermediate level or higher, or hold a Restricted Permit in Education (since renamed a Restricted Certification in Education). At that time it was decided to delay the effective date of the rule in order to give educational interpreters an opportunity to improve their skills in order to meet the required certification level. Thus, 5 CSR 100-200.170 did not become effective until July 1, 2003. All during those six (6) years interpreters certified at any level could legally provide services in Missouri schools.

During the spring of 2003, the State Committee of Interpreters, within the Division of Professional Registration, adopted a rule (4 CSR 232-3.010(3)) that specified that "An interpreter shall not interpret in a setting beyond his or her certification level, as provided for in 5 CSR 100-200.170." Were an interpreter to do so, it would be a violation of the Ethical Rules of Conduct for Interpreters, and would constitute a sufficient reason for disciplinary action being taken against the interpreter's license. So, as of July 1, 2003, interpreters who were certified at only the Apprentice or Novice level could no longer legally provide interpreting services in Missouri schools.

This situation presents public school districts in Missouri with a very difficult situation. Federal law, namely the Individuals with Disabilities Education Act (IDEA), requires that school districts provide special education services for students with disabilities, and for many deaf and hard of hearing students that normally takes the form of sign language interpreters. But Missouri law now says that school districts can't hire many of the interpreters who formerly provided services in the schools. Data from the Department of Elementary and Secondary Education shows that for the 2001–2002 school year, 83 out of 186 educational interpreters in Missouri schools were either not certified at all (19 interpreters), or certified at only the Apprentice or Novice level.

Thus, if this emergency rule is not implemented, then public school districts in Missouri would have to either 1) replace around forty-five percent (45%) of the educational interpreters in Missouri schools between July 1, 2003 and the start of the 2003–2004 school year, 2) be in noncompliance with federal law and not provide interpreting services for some deaf and hard of hearing students, or 3) violate Missouri law and retain interpreters who are certified below the Intermediate level. The first option is probably impossible due to the

overall shortage of interpreters. The second option would present an immediate danger to the welfare of some deaf and hard of hearing students, depriving them of legally required special education services and communications access to their educational curricula. The second and third options would result in schools violating either federal or state law, and there is certainly a compelling governmental interest to see that this does not happen, as well as to see that deaf and hard of hearing students around the state receive appropriate special education services.

This emergency rule would allow public school districts that are unable to secure the services of interpreters with an Intermediate or higher certification to hire Apprentice and Novice interpreters for a period of one (1) year. And that period would be extended for another year if the interpreter in question took the Missouri Interpreters Certification System performance test during the first year and achieved a higher certification level than they held when they tested. This will give school districts the needed flexibility to satisfy their interpreting needs for the immediate future.

In developing this emergency rule, representatives of the interpreting community, the deaf and hard of hearing community, and local public school administrators were consulted. In addition, the rule was discussed and approved by the members of the Board for Certification of Interpreters and the members of the Missouri Commission for the Deaf and Hard of Hearing. The commission believes that this rule is fair to all interested persons and parties under the circumstances.

*The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. This emergency rule was filed August 8, 2003, effective August 18, 2003, and expires February 14, 2004.*

(1) The board may grant a Provisional Restricted Certification in Education (PRCED) in emergency situations as determined on a case-by-case basis. The board shall grant a PRCED to an individual when all of the following conditions are met:

(A) The person applying for a PRCED must be nominated by a local public school district;

(B) The local public school district must attest that it has been unable to locate an interpreter certified in the Missouri Interpreters Certification System (MICS) at an appropriate level as specified in 5 CSR 100-200.170, and otherwise acceptable to the local public school for employment, to fill the vacant interpreting position;

(C) The individual nominated must possess a current valid certification in the MICS at either the Novice or Apprentice level, and must hold a current valid license to provide interpreting services issued by the Missouri State Committee of Interpreters; and

(D) The local public school district must attest that failure to employ the nominated individual would, to the best of their knowledge, result in noncompliance of the school district with applicable state or federal statutes or regulations concerning the provision of special education services.

(2) A PRCED shall be issued within ten (10) business days from the date the application is received in the office of the Missouri Commission for the Deaf and Hard of Hearing.

(3) A PRCED is good for only one (1) school year. It can be extended for one (1) more school year only if the holder is reevaluated during the first year of issuance and achieves the next higher level of MICS certification.

(4) A PRCED can be granted to a given individual only once during their lifetime.

(5) A holder of a PRCED is limited to providing interpreting services only in elementary and secondary school(s) in the local public school district that nominated them, or as allowed by any other valid Missouri certification or license held by the individual.

(6) A PRCED shall be revoked when the holder ends their employment with the nominating school district or if the person commits any of the actions listed in 209.317.1(1)–(5), RSMo, or 209.334.2(1)–(14), RSMo. It shall also be revoked if the holder breaks any of the Ethical Rules of Conduct for Interpreters defined in 4 CSR 232-3.010, or fails to obtain the necessary Continuing Education Units required for certification maintenance as detailed in 5 CSR 100-200.130.

*AUTHORITY: sections 209.292(1) RSMo Supp. 2002 and 209.295(1), (3) and (8), and 209.309, RSMo 2000. Emergency rule filed Aug. 8, 2003, effective Aug. 18, 2003, expires Feb. 14, 2004. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2002.

Executive Order
03-08

WHEREAS, section 105.454(5), RSMo, of the Missouri Ethics Law requires the Governor to designate those members of his staff who have supervisory authority over each department, division, or agency of state government.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, do hereby designate the following members of my staff as having supervisory authority over the following departments, divisions, or agencies:

Office of Administration	Jake Zimmerman
Transportation	Patrick Lynn
Agriculture	Daniel Hall
Conservation	Daniel Hall
Elementary and Secondary Education	Kerry Crist
Higher Education	Kerry Crist
Public Service Commission	Patrick Lynn
Revenue	Jake Zimmerman
Social Services	Patrick Lynn
Labor	David Cosgrove
Public Safety	David Cosgrove
Corrections	David Cosgrove
Natural Resources	Daniel Hall
Health and Senior Services	Tina Shannon
Insurance	Patrick Lynn
Economic Development	Daniel Hall
Mental Health	Tina Shannon
MHDC	Jennifer Deaver

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4th day of September, 2003.

ATTES

Bob Holden
Governor

Matt Blunt
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 4—Vendor Payroll Deduction Regulations

PROPOSED AMENDMENT

1 CSR 10-4.010 State of Missouri Vendor Payroll Deductions. The Office of Administration is amending subsections (1)(C) and (D), adding subsection (1)(E) and amending subsection (2)(H).

PURPOSE: This amendment is necessary for clarification regarding the ability of the division of accounting to collect employee payments deriving from labor agreements. The amendment defines the types of payments that may be authorized by employees, deducted by the Office of Administration and collected by vendors.

(1) Definitions: For the purposes of this rule, terms and their meanings are—

(C) Employee association—an organized group of state employees that has a written document, such as bylaws, which govern its activity; *[and]*

(D) Credit union—a financial institution located in Missouri which has a state charter and is insured by an agency of the United States government or credit union share guarantee corporation approved by the director of the Missouri Division of Credit Unions*[.]***; and**

(E) Dues—a fee or payment owed by an employee to a labor organization as a result of and relating to employment in a bargaining unit covered by an existing labor agreement or a payment owed by an employee for membership in an employee association.

(2) The following requirements apply to payroll deductions:

(H) Labor unions are not required to comply with subsections (2)(D)–(F) **to become a vendor and collect dues,** but must be recognized as an exclusive bargaining representative by separate resolution agreement with the commissioner of administration in accordance with sections 36.510 and 105.500–105.525, RSMo.

*AUTHORITY: section 33.103, [RSMo Supp. 1989 and] 370.395, [RSMo 1986] **536.010 and 536.023, RSMo 2000**. Original rule filed May 15, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 15, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Personnel, Office of Administration, PO Box 388, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

OFFICE OF THE SECRETARY OF STATE
STATE OF MISSOURI
JEFFERSON CITY
65101

MATT BLUNT
SECRETARY OF STATE

STATE INFORMATION CENTER
(573) 751 4936

September 9, 2003

BY HAND DELIVERY

Jacquelyn D. White
Commissioner
Office of Administration
State Capitol, Room 125
Jefferson City, MO 65101

Re: 1 CSR 10-4.010 State of Missouri
Vendor Payroll Deductions

Dear Commissioner White:

I am in receipt of the Rule Transmittal, Certification of Administrative Rule, Affidavit of Public Cost, and Proposed Amendment regarding the rule referenced above. They were received by the Administrative Rules Division on August 15, 2003. I am writing to express my concern that the Proposed Amendment does not appear to fully comply with sections 536.021 and 536.205, RSMo 2000.

Section 536.021.2 (2) requires that an amendment to a rule contain "the legal authority upon which the proposed rule is based". Likewise, a final order of rulemaking shall contain "the legal authority upon which the order of rulemaking is based". § 536.021.6 (5). The sections in the revised statutes cited in the "Authority" portion of the Proposed Amendment do not appear to provide authority for the Proposed Amendment. Section 536.010 is merely definitional and section 536.023 establishes the process for rulemaking. Section 370.395 relates to employee deductions for credit unions. Section 33.103 permits deductions for "collective bargaining dues" if the employee consents and is a "member of an employee collective bargaining organization", but has no grant of rulemaking authority. The Proposed Amendment's definition of "dues" appears to go beyond section 33.103 because it is not limited to members of a collective bargaining organization.

A second concern is the "Private Cost" statement which asserts that the proposed amendment will not cost private entities more than $500 in the aggregate. Section 536.205 requires a private fiscal note if the amendment would require an expenditure by any person

Jacquelyn D. White
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"which is estimated to cost more than $500 in the aggregate". If the intent of the Proposed Amendment is as stated in the August 15, 2003, letter from Paul Buckley of your staff to the Department of Mental Health, Department of Corrections, and Missouri Veterans Commission, it appears clear that the aggregate private costs would be over $500.

I do not believe that the Proposed Amendment, as is, could be published as a final order of rulemaking. Despite these concerns, I will publish the Proposed Amendment in the Missouri Register (along with a copy of this letter) to permit public notice and comment. A rule that is not made in accordance with the provisions of chapter 536 is null, void and unenforceable. See § 536.021.7. I have no intention of publishing a final rule that is invalid. Because of the concerns set out in this letter, I have grave doubts that this Proposed Amendment can be revised to comply with Missouri law.

Sincerely,

Matt Blunt

MB/sjf

cc: Joint Committee on Administrative Rules

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 2—Classification and Pay Plans

PROPOSED AMENDMENT

1 CSR 20-2.015 Broad Classification Bands for Managers. The Personnel Advisory Board is amending paragraph (6)(B)2.

PURPOSE: This amendment is necessary for clarification regarding the application of rules governing layoffs. A layoff is conducted by classification and band within a division of service. For purposes of layoff, divisions of service within an agency are identified by the agency and define the scope of the layoff and the reinstatement rights of employees actually laid off. To be able to voluntarily demote in lieu of layoff to a different class, the rule currently indicates the employee had to attain regular status in the class and in the division of service involved. To more closely agree with established practices, the amendment provides that, when voluntarily demoting in lieu of layoff to a different class, the employee had to previously attain regular status in that class in any merit system agency. The class must exist in the division of service conducting the layoff. The way the rule reads now provides considerable complexity in applying the rule and, in some cases, could undermine the total length of state service an employee has attained. This amendment will allow the rule governing voluntary demotions in lieu of layoff to be applied consistently and fairly for managers. It also provides the same transfer opportunities for managers as for staff employees when transfers are considered in layoff situations.

(6) Separation, Suspension and Demotion. The provisions of 1 CSR 20-3.070 are applicable in the administration of broad classification bands for managers in agencies covered by the merit system provisions of the State Personnel Law, except as specifically outlined in this section, or necessary for implementation.

(B) Demotions *[and Transfers]*. An appointing authority may demote an employee in accordance with the following:

1. No demotions for cause shall be made unless the employee to be demoted meets the minimum qualifications for the lower position demoted to, and shall not be made if any regular employee in the affected class and band or range would be laid off by reason of the action; and

2. *[An appointing authority, upon written request of the regular employee affected, shall demote such employee in lieu of layoff to a position in a lower band in the same class; or shall demote or transfer such employee to an appropriate class and pay range in the same occupational job series; or to a position in which the employee previously has served and has obtained regular status in the division of service involved; even though these actions may result in additional layoffs. An appointing authority may also, upon written request of the regular employee affected, demote or transfer such employee in lieu of layoff to another class for which the employee meets the qualifications, even if these actions may result in additional layoffs. In the event of a demotion to a lower band, or a demotion or transfer to a class and pay range in lieu of layoff, an employee shall have his/her name placed on the appropriate register.]* **A regular employee shall be demoted in lieu of layoff within the employee's division of service to a position in a lower band in the same class; or shall be demoted in lieu of layoff within the employee's division of service to a position in a class in which the employee previously has obtained regular status within any merit system agency. Such action shall be taken upon written request by the affected employee to the appointing authority and shall occur even though this action may result in a layoff in the class to which the employee is demoted. The appointing authority may also, upon written request of the regular employee affected, demote such employee in lieu of layoff to a position in the employee's division of service for which the employee meets the qualifications, even if these actions may result in additional layoffs. In the event of a demotion in lieu of layoff, an employee shall have his/her name placed on the appropriate register. Transfers in lieu of layoff will be governed by 1 CSR 20-3.070(1)(H).**

AUTHORITY: section 36.070, RSMo 2000. Original rule filed March 11, 1999, effective Sept. 30, 1999. Emergency amendment filed Jan. 2, 2003, effective Jan. 12, 2003, expires July 10, 2003. Amended: Filed Jan. 15, 2003, effective June 30, 2003. Amended: Filed Aug. 15, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Personnel, Office of Administration, PO Box 388, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. A public hearing on this proposed amendment is scheduled for 1:00 p.m., November 12, 2003 in Room 500 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.*

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 3—Personnel Selection, Appointment, Evaluation and Separation

PROPOSED AMENDMENT

1 CSR 20-3.070 Separation, Suspension and Demotion. The Personnel Advisory Board is amending subsection (4)(C).

PURPOSE: This amendment is necessary for clarification regarding the application of rules governing layoffs. A layoff is conducted by classification within a division of service. For purposes of layoff, divisions of service within an agency are identified by the agency and define the scope of the layoff and the reinstatement rights of employees actually laid off. To be able to voluntarily demote in lieu of layoff to a different class, the rule currently indicates the employee had to attain regular status in the class and in the division of service involved. To more closely agree with established practices, the amendment provides that, when voluntarily demoting in lieu of layoff to a different class, the employee had to previously attain regular status in that class in any merit system agency. The class must exist in the division of service conducting the layoff. The way the rule reads now provides considerable complexity in applying the rule and, in some cases, could undermine the total length of state service an employee has attained.

(4) Demotions. An appointing authority may demote an employee in accordance with the following:

(C) *[An appointing authority, upon written request of the regular employee affected, shall demote such employee in*

lieu of layoff to a position in a lower class in the same occupational job series or in a lower class of position in which the employee previously has served and has obtained regular status in the division of service involved, even though this action may result in a layoff in the lower class. The appointing authority may also, upon written request of the regular employee affected, demote such employee in lieu of layoff to a position in a class for which the employee meets the minimum qualifications even if this action may require layoff in the lower class. In the event of demotion in lieu of layoff, an employee shall have his/her name placed on the appropriate register in accordance with the procedure outlined in subsection (1)(D) for employees actually laid off.] **A regular employee shall be demoted in lieu of layoff within the employee's division of service to a position in a lower class in the same occupational job series or to a position in a lower class in which the employee previously has obtained regular status within any merit system agency. Such action shall be taken upon written request by the affected employee to the appointing authority and shall occur even though this action may result in a layoff in the lower class. The appointing authority may also, upon written request of the regular employee affected, demote such employee in lieu of layoff to a position in the employee's division of service for which the employee meets the minimum qualifications even if this action may require layoff in the lower class. In the event of demotion in lieu of layoff, an employee shall have his/her name placed on the appropriate register in accordance with the procedure outlined in subsection (1)(D) for employees actually laid off.**

*AUTHORITY: section 36.070, RSMo [Supp. 1997] **2000**. Original rule filed July 9, 1947, effective July 19, 1947. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 15, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Personnel, Office of Administration, PO Box 388, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing on this proposed amendment is scheduled for 1:00 p.m., November 12, 2003 in Room 500 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.*

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence

PROPOSED AMENDMENT

1 CSR 20-5.020 Leaves of Absence. The Personnel Advisory Board is amending subsections (5)(B) and (5)(E).

PURPOSE: This amendment acknowledges statutory authorization for one hundred twenty (120) work hours in a fiscal year for employees to participate in specialized disaster relief services for the American Red Cross.

(5) Leave for disaster relief shall be governed by the following provisions:

(B) Employees who are certified by the American Red Cross as disaster service specialists may, with appointing authority approval, be granted leave of absence from their respective duties, without loss of pay or leave, impairment of performance appraisal, or loss of any rights or benefits to which otherwise entitled. This will cover all periods of Red Cross disaster service during which they are engaged in the performance of duty under a Red Cross letter of agreement for a period not to exceed a total of *[fifteen (15) calendar days]* **one hundred twenty (120) work hours** in any state fiscal year. Other absences for service for the Red Cross, not elsewhere provided for in these rules, may be charged to accrued annual leave, compensatory time or leave of absence without pay;

(E) No more than twenty-five (25) full-time state employees may be absent in any state fiscal year. Each employee is subject to a cap of *[fifteen (15) calendar days]* **one hundred twenty (120) work hours** per fiscal year of disaster relief leave; and

*AUTHORITY: section 36.070, RSMo 2000. Original rule filed Aug. 20, 1947, effective Aug. 30, 1947. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 15, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Personnel, Office of Administration, PO Box 388, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing on this proposed amendment is scheduled for 1:00 p.m., November 12, 2003 in Room 500 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 13—Boll Weevil Eradication

PROPOSED AMENDMENT

2 CSR 70-13.030 Program Participation, Fee Payment and Penalties. The division is amending section (1), deleting section (2) and amending and renumbering sections (3)–(5).

PURPOSE: This proposed amendment eliminates the requirements of filing intended cotton acreage for the program and associated penalties, allows the Certified Cotton Growers Organization to designate due date for assessments on an annual basis, adds an option of filing an assignment form with Farm Service Agency (FSA) when requesting a waiver for assessment payment, requires filing a location registration form for noncommercial cotton, and eliminates the process of filing stalk destruction forms at local FSA offices.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by

reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Upon passage of the grower referendum conducted under the provisions of section 263.527, RSMo 2000, all cotton growers in the affected regions as set out in 2 CSR 70-13.015, as defined by the Certified Cotton Growers Organization, shall be required to participate in the boll weevil eradication program as follows:

(A) Upon implementation of a boll weevil eradication program, all cotton growers in an eradication area shall certify their actual cotton acreage with their local Farm Service Agency (FSA) office in accordance with the FSA final certification date*[.]***;** *[All cotton growers shall also file a cotton acreage reporting form with their local FSA office by May 15, indicating intended cotton acreage to be planted during the current growing season. Intended cotton acreage filing will be required starting with the second year of the eradication program;]*

(B) Each year the boll weevil eradication program is in operation, the Certified Cotton Growers Organization shall set an assessment fee *[by January 1 of]* each year, which shall not exceed fifteen dollars ($15) per acre **of cotton as certified with FSA including any non-certified cotton acreage that is trapped and/or treated**; *[and]*

(C) *[All fees paid by cotton growers shall be made payable and submitted to the Missouri Department of Agriculture by October 15 d]***D**uring each year that the eradication program is in operation*[.]***, all cotton growers shall pay all fees to the Missouri Department of Agriculture by the date set by the Certified Cotton Growers Organization, but in no event shall each year's payment date be set after December 1; and**

(D) Upon notification from the department, the grower of any noncommercial or ornamental cotton grown in the state shall file a location registration form with the department.

[(2) Any cotton grower underreporting by more than ten percent (10%) of the actual planted cotton acreage, as determined by FSA certified or measured acreage, will be assessed a penalty of five dollars ($5) per acre on that acreage, in addition to the annual assessment fee. Any cotton grower underreporting cotton acreage by more than ten percent (10%) may apply for a waiver. Any cotton grower applying for a waiver shall make application in writing, to the director stating the conditions under which they request the waiver. The decision whether or not to waive all or part of these requirements shall be made by the director and notification given to the cotton grower within two (2) weeks after receipt of such application.]

[(3)] **(2)** Failure to pay all assessments due on or before *[October 15 of the current growing season]* **such date as designated by the Certified Cotton Growers Organization** will result in a penalty fee of **up to** five dollars ($5) per acre. A cotton grower who fails to pay all assessments, including penalties, is subject to all provisions of section 263.534, RSMo 2000.

[(4)] **(3)** Any cotton grower may apply for a waiver requesting delayed payment**.** *[under conditions of financial hardship or bankruptcy.]* Any cotton grower applying for a waiver shall make application in writing to the director on a form prescribed by the director. This request must be accompanied by **an assignment of payment form (FSA form CCC-36, which is incorporated by reference) designating the Missouri Department of Agriculture as first assignee. Should a grower not be eligible to use FSA form CCC-36 as required,** a financial statement from a bank or lending agency *[supporting such request]* **will be required to be submitted with the waiver application**. *[No waiver for financial hardship shall be granted to any cotton grower whose taxable net income for the previous year exceeds fifteen thousand dollars ($15,000).]* Any cotton grower granted a waiver requesting *[for financial hardship or bankruptcy]* **and submitting FSA form CCC-36 will not be charged additional penalties or interest for delayed payment. Growers who do not have an FSA CCC-36 form on file with the waiver application** will be charged interest payable at a rate equal to one percent (1%) above prime per annum as listed in the *Wall Street Journal* on the date of the waiver application. The decision whether or not to waive all or part of these requirements shall be made by the director with the approval of the Board of Directors of the Certified Cotton Growers Organization and notification given to the cotton grower by the director within thirty (30) days after receipt of such application. Failure to file a completed waiver request for delayed payment on or before *[October 15 of the current growing season]* **the designated assessment payment deadline** will result in a penalty fee of **up to** five dollars ($5) per acre.

[(5)] **(4)** At such times as are beneficial to the boll weevil eradication program, the Certified Cotton Growers Organization may authorize credits for early cotton stalk destruction. Such credits shall be applied to the subsequent year's assessment as determined by the Certified Cotton Growers Organization. In order to claim such credits—

(A) The cotton grower must **have a** complete**d** *[a]* stalk destruction verification form*[. Such forms must be completed at the local FSA office]*;

(B) The stalk destruction must be verified by an authorized representative of the Certified Cotton Growers Organization; and

(C) The stalk destruction verification form must be received at the department no later than December 1 of the current growing season.

AUTHORITY: sections 263.505, 263.512, 263.517, 263.527, and 263.534, RSMo 2000. Original rule filed June 29, 1999, effective Dec. 30, 1999. Amended: Filed March 29, 2001, effective Oct. 30, 2001. Emergency amendment filed Aug. 21, 2003, effective Aug. 31, 2003, expires Feb. 16, 2003. Amended: Filed Aug. 21, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Plant Industries, Judy Grundler, IPM Administrator, PO Box 260, Jefferson City, MO 65102. To be considered comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf *and Hard of Hearing*
Chapter 200—Board for Certification of Interpreters

PROPOSED RULE

5 CSR 100-200.045 Provisional Restricted Certification in Education

PURPOSE: This rule outlines how an individual may be granted a Provisional Restricted Certification in Education for interpreting in only elementary and secondary school settings.

(1) The board may grant a Provisional Restricted Certification in Education (PRCED) in emergency situations as determined on a case-by-case basis. The board shall grant a PRCED to an individual when all of the following conditions are met:

(A) The person applying for a PRCED must be nominated by a local public school district;

(B) The local public school district must attest that it has been unable to locate an interpreter certified in the Missouri Interpreters Certification System (MICS) at an appropriate level as specified in 5 CSR 100-200.170, and otherwise acceptable to the local public school for employment, to fill the vacant interpreting position;

(C) The individual nominated must possess a current valid certification in the MICS at either the Novice or Apprentice level, and must hold a current valid license to provide interpreting services issued by the Missouri State Committee of Interpreters; and

(D) The local public school district must attest that failure to employ the nominated individual would, to the best of their knowledge, result in noncompliance of the school district with applicable state or federal statutes or regulations concerning the provision of special education services.

(2) A PRCED shall be issued within ten (10) business days from the date the application is received in the office of the Missouri Commission for the Deaf and Hard of Hearing.

(3) A PRCED is good for only one (1) school year. It can be extended for one (1) more school year only if the holder is reevaluated during the first year of issuance and achieves the next higher level of MICS certification.

(4) A PRCED can be granted to a given individual only once during their lifetime.

(5) A holder of a PRCED is limited to providing interpreting services only in elementary and secondary school(s) in the local public school district that nominated them, or as allowed by any other valid Missouri certification or license held by the individual.

(6) A PRCED shall be revoked when the holder ends their employment with the nominating school district or if the person commits any of the actions listed in 209.317.1(1)–(5), RSMo, or 209.334.2(1)–(14), RSMo. It shall also be revoked if the holder breaks any of the Ethical Rules of Conduct for Interpreters defined in 4 CSR 232-3.010, or fails to obtain the necessary Continuing Education Units required for certification maintenance as detailed in 5 CSR 100-200.130.

AUTHORITY: sections 209.292(1), RSMo Supp. 2002 and 209.295(1), (3) and (8), and 209.309, RSMo 2000. Emergency rule filed Aug. 8, 2003, effective Aug. 18, 2003, expires Feb. 14, 2004. Original rule filed Aug. 11, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf and Hard of Hearing, Dr. Roy E. Miller, Executive Director, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after the publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 17—Traffic Generators

PROPOSED AMENDMENT

7 CSR 10-17.010 Signs for Traffic Generators. The commission proposes to amend paragraphs (1)(F)1.–3., subsection (3)(A), add a new subsection (6)(A) and amend renumbered subsections (6)(B), (6)(E) and paragraphs (6)(E)1. and 2., add new subsections (4)(C), (5)(D), (6)(C) and (6)(D), and delete previous paragraphs (6)(B)1.–3., and renumber rule accordingly.

PURPOSE: This amendment provides additional criteria for major traffic generators and super traffic generators and revises the standards for the selection and erection of signs for colleges and universities.

(1) Definitions. The following definitions relate to signs for traffic generators:

(F) Major traffic generator means a traffic generator which *[attracts]* **meets** the following:

1. At least three hundred thousand (300,000) visitors per year in the St. Louis or Kansas City metropolitan areas (metro area) **and a minimum of six thousand (6,000) seats**; or

2. At least two hundred fifty thousand (250,000) visitors per year in an area with a population of at least five thousand (5,000) persons (urban area) **and a minimum of five thousand (5,000) seats**; or

3. At least two hundred thousand (200,000) visitors per year in an area in which the population is less than five thousand (5,000) persons (rural area) **and a minimum of four thousand (4,000) seats**;

(3) Specific Criteria for Minor Traffic Generators.

(A) *[A minimum of twenty-five thousand (25,000) annual attendance is required]* **Meets the annual attendance requirements as provided in the definitions section of this rule**.

(4) Specific Criteria for Major Traffic Generators.

(C) Supplemental guide signs will not be installed at freeway-to-freeway interchanges.

(5) Specific Criteria for Super Traffic Generators.

(D) Supplemental guide signs will not be installed at freeway-to-freeway interchanges.

(6) Signs for Colleges or Universities.

(A) Only first order signing will be provided for colleges and universities.

*[(A)]***(B)**Traffic generator signs may be provided for colleges and universities, at no cost to the institution*[, having an approved curriculum offering at least a two (2)-year program of college level studies leading to either an associate or baccalaureate degree approved]* **designated as a Missouri public institution,**

which receives part of its operating budget from state appropriations, as determined by the Missouri Department of Higher Education *[and having a full-time resident enrollment of at least five hundred (500) students]*.

(C) Traffic generator signs may be provided for colleges and universities, at no cost to the commission, designated as a Missouri independent or accredited Missouri proprietary institution as determined by the Missouri Department of Higher Education.

(D) Institutions exempt from certification or not listed on the website by the Department of Higher Education will be considered on a case-by-case basis using such criteria as accreditation, certification and type of institution. Applicant must submit its request for signing to the State Traffic Engineer, P.O. Box 270, Jefferson City, MO 65102. The Department of Higher Education will be consulted by the commission to determine accreditation, type of institution, status and verification of information.

*[(B)]***(E)** The commission may install special emblem signs for eligible *[traffic generators]* **institutions**. **In addition to the legend,** *[T]***t**hese special signs shall contain the college or university's emblem *[and shall direct motorists to units within a campus complex]*. Colleges or universities eligible for this emblem signing must meet the following criteria:

[1. Colleges and universities within the St. Louis or Kansas City metropolitan areas with an annual visitor attendance of at least three hundred thousand (300,000) persons; or

2. Colleges and universities within urban areas (population of at least five thousand (5,000) persons) with an annual visitor attendance of at least two hundred fifty thousand (250,000) persons; or

3. Colleges and universities within rural areas (population of less than five thousand (5,000) persons) with an annual visitor attendance of at least two hundred thousand (200,000) persons; and]

*[4.]***1.** The college or university will pay **for the cost of producing and installing the signs plus** a ten (10)-year maintenance *[and installation]* fee for this special emblem signing, similar to the fee charged for other traffic generator signs*[, determined by the cost of producing and installing the signs plus an amount for maintenance]*; and

*[5.]***2.** The emblem used on each eligible college/university traffic generator sign will be *[patterned after the pattern used by the Department of Revenue for vehicle license plates]* **the same used by the facility**.

*AUTHORITY: section 226.525, RSMo [1994] **2000** and 23 U.S.C. section 131. Original rule filed May 14, 1996, effective Nov. 30, 1996. Amended: Filed Aug. 12, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan Area

PROPOSED AMENDMENT

10 CSR 10-2.260 Control of Petroleum Liquid Storage, Loading and Transfer. The commission proposes to add new section (1) the same as original section (2); amend original subsection (1)(F); renumber original section (1); renumber and amend original sections (3), (4), (5), (6), (7) and (8); and add new section (4). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.state.mo.us/regs/regagenda.htm.

PURPOSE: This rule restricts volatile organic compound emissions from the handling of petroleum liquids in the Kansas City metropolitan area that contribute to the formation of ozone. The intent of the original section (5) of this rule is to perform Stage I vapor recovery, recovering no less than ninety percent (90%) of the gasoline vapors generated during a Stage I delivery. The vapor line requirements were inadvertently omitted when this original rule section was promulgated. This amendment adds vapor line requirements similar to the St. Louis rule 10 CSR 10-5.220 to allow enforcement of the regulations, restructures the rule for consistency with rule organization format and clarifies rule language to assist in enforcement of the rule. The evidence supporting the need for this rulemaking per section 536.016, RSMo, is a Rule Comment Form and Attachment dated December 17, 2001.

(1) Applicability. This rule shall apply throughout Clay, Jackson and Platte Counties.

*[(1)]***(2)** Definitions.

(A) CARB—California Air Resources Board, 2020 L Street, P*[.]*O*[.]* Box 2815, Sacramento, CA 95812.

(B) Department—Missouri Department of Natural Resources, 205 Jefferson Street, P*[.]*O*[.]* Box 176, Jefferson City, MO 65102.

(C) Initial fueling of motor vehicles—The operation of dispensing gasoline fuel into a newly assembled motor vehicle at an automobile assembly plant while the vehicle is still being assembled on the assembly line. The newly assembled motor vehicles being fueled on the assembly line must have fuel tanks that have never before contained gasoline fuel.

(D) MO/PETP—The Missouri Performance Evaluation Test Procedures, a set of test procedures for evaluating performance of Stage I/II vapor control equipment and systems to be installed or that have been installed in Missouri. Contact the department for a copy of the latest MO/PETP.

(E) Staff director—Director of the Air Pollution Control Program of the Department of Natural Resources, or a designated representative.

(F) Stage I vapor recovery system—A system used to capture the gasoline vapors that would otherwise be emitted when *[a]* gasoline *[storage tank is refilled by a tank truck]* **is transferred from a loading installation to a delivery vessel or from a delivery vessel to a storage tank**.

(G) Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

[(2) Applicability. This rule shall apply throughout Clay, Jackson and Platte Counties.]

(3) General Provisions.

*[(3)]***(A)** Petroleum Storage Tanks.

*[(A)]***1.** No owner or operator of petroleum storage tanks shall cause or permit the storage in any stationary storage tank of more than forty thousand (40,000) gallons capacity of any petroleum liquid having a true vapor pressure of one and one-half (1.5) pounds per square inch absolute (psia) or greater at ninety degrees Fahrenheit (90°F), unless the storage tank is a pressure tank capable of maintaining working pressures sufficient at all times to prevent volatile organic compound (VOC) vapor or gas loss to the atmosphere or is equipped with one (1) of the following vapor loss control devices:

*[1.]***A.** A floating roof, consisting of a pontoon type, double-deck type or internal floating cover, or external floating cover, that rests on the surface of the liquid contents and is equipped with a closure seal(s) to close the space between the roof edge and tank wall. Storage tanks with external floating roofs shall meet the additional following requirements:

*[A.]***(I)** The storage tank shall be fitted with either—

*[(I)]***(a)** A continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or

*[(II)]***(b)** A closure or other device approved by the staff director that controls VOC emissions with an effectiveness equal to or greater than a seal required under *[part (3)(A)1.A.(I)]* **subpart (3)(A)1.A.(I)(a)** of this rule;

*[B.]***(II)** All seal closure devices shall meet the following requirements:

*[(I)]***(a)** There are no visible holes, tears or other openings in the seal(s) or seal fabric;

*[(II)]***(b)** The seal(s) is intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; and

*[(III)]***(c)** For vapor-mounted primary seals, the accumulated area of gaps exceeding 0.32 centimeters, one-eighth inch (1/8") width, between the secondary seal and the tank wall shall not exceed 21.2 cm^2 per meter of tank diameter (1.0 in^2 per foot of tank diameter);

*[C.]***(III)** All openings in the external floating roof, except for automatic bleeder vents, rim space vents and leg sleeves shall be equipped with—

*[(I)]***(a)** Covers, seals or lids in the closed position except when the openings are in actual use; and

*[(II)]***(b)** Projections into the tank which remain below the liquid surface at all times;

*[D.]***(IV)** Automatic bleeder vents shall be closed at all times except when the roof is floated off or landed on the roof leg supports;

*[E.]***(V)** Rim vents shall be set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting; and

*[F.]***(VI)** Emergency roof drains shall have slotted membrane fabric covers or equivalent covers which cover at least ninety percent (90%) of the area of the opening;

*[2.]***B.** A vapor recovery system with all storage tank gauging and sampling devices gas-tight, except when gauging or sampling is taking place. The vapor disposal portion of the vapor recovery system shall consist of an adsorber system, condensation system, incinerator or equivalent vapor disposal system that processes the vapor and gases from the equipment being controlled; or

*[3.]***C.** Other equipment or means of equal efficiency for purposes of air pollution control as approved by the staff director.

*[(B)]***2.** Control equipment described in *[paragraph (3)(A)1.]* **subparagraph (3)(A)1.A.** of this rule shall not be allowed if the petroleum liquid other than gasoline has a true vapor pressure of 11.1 psia or greater at ninety degrees Fahrenheit (90°F). All storage tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

*[(C)]***3.** Owners and operators of petroleum storage tanks subject to this **sub**section shall maintain written records of maintenance (both routine and unscheduled) performed on the tanks, all repairs made, the results of all tests performed and the type and quantity of petroleum liquid stored in them. *[The records shall be maintained for two (2) years and made available to the staff director upon request.]*

*[(D)]***4.** This **sub**section shall not apply to petroleum storage tanks which—

*[1.]***A.** Are used to store processed and/or treated petroleum or condensate when it is stored, processed and/or treated at a drilling and production installation prior to custody transfer;

*[2.]***B.** Contain a petroleum liquid with a true vapor pressure less than 27.6 kilopascals (kPa) (4.0 psia) at ninety degrees Fahrenheit (90°F);

*[3.]***C.** Are of welded construction, and equipped with a metallic-type shoe primary seal and have a shoe-mounted secondary seal or closure devices of demonstrated equivalence approved by the staff director; or

*[4.]***D.** Are used to store waxy, heavy pour crude oil.

*[(4)]***(B)** Gasoline Loading.

*[(A)]***1.** No owner or operator of a gasoline loading installation or delivery vessel shall cause or permit the loading of gasoline into any delivery vessel from a loading installation unless the loading installation is equipped with a vapor recovery system or equivalent. This system or system equivalent shall be approved by the staff director and the delivery vessel shall be in compliance with *[section (6)]* **subsection (3)(D)** of this rule.

*[(B)]***2.** Loading shall be accomplished in a manner that the displaced vapors and air will be vented only to the vapor recovery system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected. The vapor disposal portion of the vapor recovery system shall consist of one (1) of the following:

*[1.]***A.** An adsorber system, condensation system, incinerator or equivalent vapor disposal system that processes the vapors and gases from the equipment being controlled and limits the discharge of VOC into the atmosphere to ten (10) milligrams of VOC vapor per liter of gasoline loaded;

*[2.]***B.** A vapor handling system that directs the vapor to a fuel gas system; or

*[3.]***C.** Other equipment of an efficiency equal to or greater than *[paragraph (4)(B)1. or 2.]* **subparagraph (3)(B)2.A. or B.** of this rule if approved by the staff director.

*[(C)]***3.** Owners and operators of loading installations subject to this **sub**section shall maintain complete records documenting the number of delivery vessels loaded and their owners. *[The records shall be maintained for two (2) years and made available to the staff director upon request.]*

*[(D)]***4.** This **sub**section shall not apply to loading installations whose average monthly throughput of gasoline is less than or equal to one hundred twenty thousand (120,000) gallons when averaged over the most recent calendar year, provided that the installation loads gasoline by submerged loading.

*[1.]***A.** To maintain the exemption, these installations shall submit to the staff director on a form supplied by the department by February 1 of each year, a report stating gasoline throughput for each

month of the previous calendar year. After the effective date of this rule, any revision to the department supplied forms will be presented to the regulated community for a forty-five (45) day comment period.

*[2.]***B.** Delivery vessels purchased after the effective date of this rule shall be Stage I equipped.

*[3.]***C.** A loading installation that fails to meet the requirements of the exemption for one (1) calendar year shall not qualify for the exemption again.

*[4.]***D.** To maintain the exemption owners or operators shall maintain records of gasoline throughput and gasoline delivery.

*[5.]***E.** Delivery vessels operated by an exempt installation shall not deliver to Stage I controlled tanks unless the delivery vessel is equipped with and employs Stage I controls.

*[(5)]***(C)** Gasoline Transfer.

*[(A)]***1.** No owner or operator of a gasoline storage tank or delivery vessel shall cause or permit the transfer of gasoline from a delivery vessel into a gasoline storage tank with a capacity greater than two hundred fifty (250) gallons unless—

*[1.]***A.** The storage tank is equipped with a submerged fill pipe extending unrestricted to within six inches (6") of the bottom of the tank, and not touching the bottom of the tank, or the storage tank is equipped with a system that allows a bottom fill condition;

*[2.]***B.** All storage tank caps and fittings are vapor-tight when gasoline transfer is not taking place; and

*[3.]***C.** Each storage tank is vented via a conduit that is:

*[A.]***(I)** At least two inches (2") inside diameter;

*[B.]***(II)** At least twelve feet (12') in height above grade; and

*[C.]***(III)** Equipped with a pressure/vacuum valve that is CARB certified and MO/PETP approved at three inches water column pressure/eight inches water column vacuum (3" wcp/8" wcv). When the owner or operator provides documentation that the system is CARB certified for a different valve and will not function properly with a 3" wcp/8" wcv valve, the valve shall be MO/PETP approved. All pressure/vacuum valves shall be bench tested prior to installation. Initial fueling facilities shall have MO/PETP approved pressure/vacuum valves.

*[(B)]***2.** Stationary storage tanks with a capacity greater than two thousand (2,000) gallons shall also be equipped with a Stage I vapor recovery system in addition to the requirements of *[subsection (5)(A)]* **paragraph (3)(C)1. of this rule** and the delivery vessels to these tanks shall be in compliance with *[section (6)]***subsection (3)(D)** of this rule.

*[1.]***A.** The vapor recovery system shall collect no less than ninety percent (90%) by volume of the vapors displaced from the stationary storage tank during gasoline transfer and shall return the vapors via a vapor-tight return line to the delivery vessel. After the effective date of this rule, all coaxial systems shall be equipped with poppeted fittings.

*[2.]***B.** A delivery vessel shall be refilled only at installations complying with the provisions of *[section (4)]***subsection(3)(B)** of this rule.

*[3.]***C.** This **sub**section shall not be construed to prohibit safety valves or other devices required by governmental regulations.

3. No owner or operator of a gasoline delivery vessel shall cause or permit the transfer of gasoline from a delivery vessel into a storage tank with a capacity greater than two thousand (2,000) gallons unless—

A. The owner or operator employs one (1) vapor line per product line during the transfer. The staff director may approve other delivery systems upon submittal to the department of test data demonstrating compliance with subparagraph (3)(C)2.A. of this rule;

B. The vapor hose(s) employed is no less than three inches (3") inside diameter; and

C. The product hose(s) employed is no more than four inches (4") inside diameter.

*[(C)]***4.** The owner or operator of stationary storage tanks subject to this **sub**section shall keep records documenting the vessel owners and number of delivery vessels unloaded by each owner. *[Records shall be kept for two (2) years and shall be made available to the staff director within five (5) days of a request.]* The owner or operator shall retain on-site copies of the loading ticket, manifest or delivery receipt for each grade of product received, subject to examination by the staff director upon request. If a delivery receipt is retained rather than a manifest or loading ticket, the delivery ticket shall bear the following information: vendor name, date of delivery, quantity of each grade, point of origin, and the manifest or loading ticket number. The required retention on-site of the loading ticket, manifest or delivery receipt shall be limited to the four (4) most recent records for each grade of product.

*[(D)]***5.** The provisions of *[subsection (5)(B)]* **paragraph (3)(C)2.** of this rule shall not apply to transfers made to storage tanks equipped with floating roofs or their equivalent.

*[(E)]***6.** The provisions of *[subsections (5)(A)–(D)]* **paragraphs (3)(C)1.–4.** of this rule shall not apply to stationary storage tanks having a capacity less than or equal to two thousand (2,000) gallons used exclusively for the fueling of implements of agriculture or were installed prior to June 12, 1986.

*[(6)]***(D)** Gasoline Delivery Vessels.

*[(A)]***1.** No owner or operator of a gasoline delivery vessel shall operate or use a gasoline delivery vessel which is loaded or unloaded at an installation subject to *[sections (4) or (5)]* **subsections (3)(B) or (C)** of this rule unless—

*[1.]***A.** The delivery vessel is tested annually to demonstrate compliance with the test method specified in 40 CFR part 63, subpart R, section 63.425(e);

*[2.]***B.** The owner or operator obtains the completed test results signed by a representative of the testing facility upon successful completion of the leak test. Blank test certification application forms for the test results will be provided to the testing facilities by the department. After the effective date of this rule, any revision to the department supplied forms will be presented to the regulated community for a forty-five (45)-day comment period. The owner or operator shall send a copy of the signed successful test results to the staff director. The staff director, upon receipt of acceptable test results, shall issue an official sticker to the owner or operator;

*[3.]***C.** The Missouri sticker is placed on the upper left portion of the back end of the vessel;

*[4.]***D.** The delivery vessel is repaired by the owner or operator and retested within fifteen (15) days of testing if it does not meet the leak test criteria of *[subsection (6)(A)]* **paragraph (3)(D)1.** of this rule; and

*[5.]***E.** A copy of the vessel's current Tank Truck Tightness Test results are kept with the delivery vessel at all times and made immediately available to the staff director upon request.

*[(B)]***2.** An owner or operator of a gasoline delivery vessel who can demonstrate to the satisfaction of the staff director that the vessel has passed a current annual leak test in another state shall be deemed to have satisfied the requirements of *[paragraph (6)(A)1.]* **subparagraph (3)(D)1.A.** of this rule, if the other state's leak test program requires the same gauge pressure and test procedures as the test specified in *[paragraph (6)(A)1.]* **subparagraph (3)(D)1.A.** of this rule. The owner or operator shall apply for a Missouri sticker and display the Missouri sticker on the upper left portion of the back end of the delivery vessel.

[(C)] **3.** Owners and operators of gasoline delivery vessels shall maintain written records of all tests and maintenance performed on the vessels. *[The records shall be maintained for two (2) years and made available to the staff director upon request.]*

[(D)] **4.** This **sub**section shall not be construed to prohibit safety valves or other devices required by governmental regulations.

*[(7)]***(E)** Owner/Operator Compliance. The owner or operator of a vapor recovery system subject to this rule shall—

*[(A)]***1.** Operate the vapor recovery system and the gasoline loading equipment in a manner that prevents—

*[1.]***A.** Gauge pressure from exceeding four thousand five hundred (4,500) pascals (eighteen inches (18") of H_2O) in the delivery vessel;

*[2.]***B.** A reading equal to or greater than one hundred percent (100%) of the lower explosive limit (LEL, measured as propane) at two and one-half (2.5) centimeters from all points on the perimeter of a potential leak source when measured by the method referenced in 10 CSR 10-6.030(14)(E) during loading or transfer operations; and

*[3.]***C.** Visible liquid leaks during loading or transfer operation;

*[(B)]***2.** Repair and retest within fifteen (15) days, a vapor recovery system that exceeds the limits in *[section (7)]* **subsection (3)(E)** of this rule; and

*[(C)]***3.** Maintain written records of inspection reports, enforcement documents, gasoline deliveries, routine and unscheduled maintenance and repairs and all results of tests conducted. *[The records shall be maintained for two (2) years and made available to the staff director upon request.]*

(4) Reporting and Record Keeping. The reporting and record keeping requirements are located in paragraphs (3)(A)3., (3)(B)3., (3)(C)4., (3)(D)3. and (3)(E)3. of this rule. In addition, all records shall be maintained for a minimum of two (2) years, and shall be made immediately available to inspectors upon request.

*[(8)]***(5)** *[Testing and Monitoring Procedures and Reporting.]* **Test Methods.**

(A) Testing and monitoring procedures to determine compliance with *[section (6)]* **subsection (3)(D)** of this rule and confirm the continuing existence of leak-tight conditions shall be conducted using the method referenced in 10 CSR 10-6.030(14)(B) **or by any method determined by the staff director**.

(B) Testing procedures to determine compliance with *[paragraph (4)(B)1.]* **subparagraph (3)(B)2.A.** of this rule shall be conducted using the method referenced in 10 CSR 10-6.030(14)(A) **or by any method determined by the staff director**.

(C) The staff director, at any time, may monitor a delivery vessel, vapor recovery system or gasoline loading equipment by a method determined by the staff director to confirm continuing compliance with this rule.

(D) A static leak decay test of the Stage I vapor recovery system shall be required once every five (5) years to demonstrate system vapor tightness. In addition, a bench test of each pressure/vacuum valve shall be required once every two (2) years to demonstrate component vapor tightness.

(E) Additional testing may also be required by the staff director in order to determine proper functioning of vapor recovery equipment.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Jan. 15, 1979, effective June 11, 1979. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Aug. 15, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., October 30, 2003. The public hearing will be held at the Holiday Inn North, Rainier Room, 2720 N. Glenstone, Springfield, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., November 6, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, RSMo Supp. 2002 and 178.600, 178.610 and 178.620, RSMo 2000, the board amends a rule as follows:

5 CSR 90-4.410 Informal Review **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2003 (28 MoReg 864). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, RSMo Supp. 2002 and 178.600, 178.610 and 178.620, RSMo 2000, the board amends a rule as follows:

5 CSR 90-4.420 Due Process Hearing **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2003 (28 MoReg 864). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, RSMo Supp. 2002 and 178.600, 178.610 and 178.620, RSMo 2000, the board amends a rule as follows:

5 CSR 90-5.410 Fees **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2003 (28 MoReg 864–866). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, RSMo Supp. 2002 and 178.600, 178.610 and 178.620, RSMo 2000, the board amends a rule as follows:

5 CSR 90-5.420 Maintenance and Transportation **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2003 (28 MoReg 867–868). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, RSMo Supp. 2002 and 178.600, 178.610 and 178.620, RSMo 2000, the board amends a rule as follows:

5 CSR 90-5.440 Training **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2003 (28 MoReg 869–872). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 719–724). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received from the Springfield-Greene County Department of Public Health & Welfare, the Missouri Limestone Producers Association, and the U.S. Environmental Protection Agency (EPA). The comments generally supported the proposed amendment but included suggestions for minor wording changes.

COMMENT: The Springfield-Greene County Department of Public Health & Welfare requested that Chemical Abstracts Service (CAS) numbers be provided for the list of compounds that are used to define Volatile Organic Compound. Including these numbers would make locating the compound's material safety data sheet easier. They also requested that the rule use chemical subscripts where possible and include the full name for all compounds for ease of reading and for consistency.
RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has made the recommended change to paragraph (2)(V)9.

COMMENT: The Missouri Limestone Producers Association commented that the definition of Visible Emission in paragraph (2)(V)8. is a redundant reference to particulate matter and condensibles referenced in the definition of Air Contaminant.
RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has removed the redundant reference to particulate matter in paragraph (2)(V)8. as a result of this comment. Since the term condensible is not used in the definition of Air Contaminant, the reference to condensibles is retained in the visible emission definition.

COMMENT: EPA commented that for clarification the phrase—as nonattainment areas—be inserted at the end of the proposed new sentence in paragraph (2)(N)5.
RESPONSE AND EXPLANATION OF CHANGE: The recommended phrase was added to paragraph (2)(N)5. as a result of this comment.

COMMENT: EPA suggested clarifying that criteria pollutants that are also Hazardous Air Pollutants (HAPs) are not exempt from major review by modifying the definition of Significant in paragraph (2)(S)10. For instance, lead (Pb) is a HAP and also a criteria pollutant so it continues to be a regulated pollutant for the purposes of major new source review. Also, to the extent a HAP is also a Volatile Organic Compound (VOC), a source may not use the HAP exclusion to avoid major review as a VOC source. All criteria pollutants must continue to be reviewed under 10 CSR 10-6.060(7) & (8) whether they are also identified as HAPs or not.
RESPONSE AND EXPLANATION OF CHANGE: The definition of Significant has been clarified as suggested.

COMMENT: This rule action was proposed as a package with four (4) other rule actions. Comments received on three (3) of these other rule actions redundantly included a definition for manure storage and application systems.
RESPONSE AND EXPLANATION OF CHANGE: The definition rule 10 CSR 10-6.020 is used for definitions that are common to more than one (1) rule. One common definition for manure storage and application systems has been added to subsection (2)(M) of this definition rule.

10 CSR 10-6.020 Definitions and Common Reference Tables

(2) Definitions.

(M) All terms beginning with "M."

1. MACT (Maximum achievable control technology)—The maximum degree of reduction in emissions of the hazardous air pollutants listed in subsection (3)(C) of this rule (including a prohibition on these emissions where achievable), taking into consideration the cost of achieving emissions reductions and any non-air quality health and environmental impacts and requirements, determines is achievable for new or existing sources in the category or subcategory to which this emission standard applies, through application of measures, processes, methods, systems or techniques including, but not limited to, measures which—

A. Reduce the volume of or eliminate emissions of pollutants through process changes, substitution of materials or other modifications;

B. Enclose systems or processes to eliminate emissions;

C. Collect, capture or treat pollutants when released from a process, stack, storage or fugitive emissions point;

D. Are design, equipment, work practice or operational standards (including requirements for operational training or certification); or

E. Are a combination of subparagraphs (2)(M)1.A.–D.

2. Magnet wire coating—The process of applying a coating of electrically insulating varnish or enamel to aluminum or copper wire for use in electrical machinery.

3. Major modification—Any physical change or change in the method of operation at an installation or in the attendant air pollution control equipment that would result in a significant net emissions increase of any pollutant. A physical change or a change in the

method of operation, unless previously limited by enforceable permit conditions, shall not include:

A. Routine maintenance, repair and replacement of parts;

B. Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, a prohibition under the Power Plant and Industrial Fuel Use Act of 1978 or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

C. Use of an alternative fuel or raw material, if prior to January 6, 1975, the source was capable of accommodating the fuel or material, unless the change would be prohibited under any enforceable permit condition which was established after January 6, 1975;

D. An increase in the hours of operation or in the production rate unless the change would be prohibited under any enforceable permit condition which was established after January 6, 1975; or

E. Use of an alternative fuel by reason of an order or rule under Section 125 of the Clean Air Act.

4. Malfunction—A sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal and usual manner. Excess emissions caused by improper design shall not be deemed a malfunction.

5. Management planner—An individual, under AHERA, who devises and writes plans for asbestos abatement.

6. Manure storage and application systems—Any system that includes but is not limited to lagoons, manure treatment cells, earthen storage ponds, manure storage tanks, manure stockpiles, composting areas, pits and gutters within barns, litter used in bedding systems, all types of land application equipment, and all pipes, hoses, pumps and other equipment used to transfer manure.

7. Maskant—A coating applied directly to an aerospace component to protect those areas when etching other parts of the component.

8. Metal furniture coating—The surface coating of any furniture made of metal or any metal part which will be assembled with other metal, wood, fabric, plastic or glass parts to form a furniture piece.

9. Model year—The annual production period of new motor vehicles designated by the calendar year in which the period ends, provided that if the manufacturer does not so designate vehicles manufactured by him/her, the model year with respect to the vehicles shall mean the twelve (12)-month period beginning January 1 of the year specified in this rule.

10. Modification—Any physical change, or change in method of operation of, a source operation or attendant air pollution control equipment which would cause an increase in potential emissions of any air pollutant emitted by the source operation.

11. Modification, Title I—See Title I modification.

12. Motor tricycle—A motor vehicle operated on three (3) wheels, including a motorcycle with any conveyance, temporary or otherwise, requiring the use of a third wheel.

13. Motor vehicle—Any self-propelled vehicle.

14. Motorcycle—A motor vehicle operated on two (2) wheels.

15. Multiple chamber incinerator—Any incinerator consisting of two (2) or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned, the refractories having a Pyrometric Cone Equivalent of 31, tested according to the method described in the ASTM Method C-24-56 or other method approved by the department director.

16. Multiple fixed-point monitoring—A system for monitoring VOCs where stationary monitors are placed throughout the petroleum refinery which measure atmospheric concentrations of VOCs.

(N) All terms beginning with "N."

1. Nearby—Nearby as used in the definition GEP stack height in subparagraph (2)(G)2.B. is defined for a specific structure or terrain feature—

A. For purposes of applying the formula provided in subparagraph (2)(G)3.B., nearby means that distance up to five (5) times the lesser of the height or the width dimension of a structure, but not greater than one-half (1/2) mile; and

B. For conducting fluid modeling or field study demonstrations under subparagraph (2)(G)3.C., nearby means not greater than one-half (1/2) mile, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten (10) times the maximum height of the feature, not to exceed two (2) miles if feature achieves a height one-half (1/2) mile from the stack that is at least forty percent (40%) of the GEP stack height determined by the formula provided in subparagraph (2)(G)3.B. or twenty-six meters (26 m), whichever is greater, as measured from the ground level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground level elevation at the base of the stack.

2. Net emissions increase—This term is defined in 40 CFR 51.166(b)(3) and is incorporated by reference.

3. New tepee burner—One not in existence as of September 18, 1970.

4. NIOSH—National Institute of Occupational Safety and Health.

5. Nonattainment area—Those geographic areas in Missouri that have officially been designated by the U.S. Environmental Protection Agency in 40 CFR part 81 as nonattainment areas.

(S) All terms beginning with "S."

1. Salvage operation—Any business, trade, industry or other activity conducted in whole or in part for the purpose of salvaging or reclaiming any product or material.

2. Sealing material—A liquid substance that does not contain asbestos which is used to cover a surface that has previously been coated with a friable asbestos-containing material for the intended purpose of preventing any asbestos fibers remaining on the surface from being disbursed into the air. This substance shall be distinguishable from the surface to which it is applied.

3. Secondary emissions—The emissions which occur or would occur as a result of the construction or operation of an installation or major modification but do not come from the installation or major modification itself. Secondary emissions must be specific, well-defined, quantifiable and impact the same general area as the installation or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

A. Emissions from trucks, ships or trains coming to or from the installation or modification; and

B. Emissions from any off-site support source which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification.

4. Section 502(b)(10) changes—Changes that contravene an express permit term. These changes do not include those that would violate applicable requirements or contravene federally-enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting or compliance certification requirements.

5. Sheet basecoat—The roll coated primary interior surface coating applied to surfaces for the basic protection of buffering filling material from the metal can surface.

6. Shower room—A room between the clean room and the equipment room in the worker decontamination enclosure. This room shall be equipped with running hot and cold water that is suitably arranged for complete showering during decontamination.

7. Shutdown—The cessation of operation of any air pollution control equipment or process equipment, excepting the routine phasing out of process equipment.

8. Shutdown, permanent—See permanent shutdown.

9. Side seam coating (three (3)-piece)—A can surface coating to seal the connecting edge of a formed metal sheet in the manufacture of a three (3)-piece can.

10. Significant—A net emissions increase or potential to emit at a rate equal to or exceeding the *de minimis* levels or create an ambient air concentration at a level greater than those listed in 10 CSR 10-6.060(11)(D) Table 4, or any emissions rate or any net emissions increase associated with an installation subject to 10 CSR 10-6.060 which would be constructed within ten kilometers (10 km) of a Class I area and have an air quality impact on the area equal to or greater than one microgram per cubic meter (1 $\mu g/m^3$) (twenty-four (24)-hour average). For purposes of new source review under 10 CSR 10-6.060 sections (7) and (8), net emission increases of hazardous air pollutants exceeding the *de minimis* levels are considered significant only if they are also criteria pollutants.

11. Smoke—Small gas-borne particles resulting from combustion, consisting of carbon, ash and other material.

12. Solvent—Organic materials which are liquid at standard conditions and which are used as dissolves, viscosity reducers or cleaning agents.

13. Solvent metal cleaning—The process of cleaning soils from metal surfaces by cold cleaning or open-top vapor degreasing or conveyorized degreasing.

14. Solvent volatility—Reid vapor pressure.

15. Source gas volume—The volume of gas arising from a process or other source operation.

16. Source operation—See emission unit.

17. Springfield-Greene County area—The geographical area contained within Greene County.

18. St. Louis metropolitan area—The geographical area comprised of St. Louis, St. Charles, Jefferson and Franklin Counties and the City of St. Louis.

19. Stack—Any spatial point in an installation designed to emit air contaminants into ambient air. An accidental opening such as a crack, fissure, or hole is a source of fugitive emissions, not a stack.

20. Stack in existence—The owner or operator had—1) begun, or caused to begin, a continuous program of physical on-site construction of the stack; or 2) entered into binding agreements or contractual operations, which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

21. Staff director—Director of the Air Pollution Control Program of the Department of Natural Resources.

22. Standard conditions—A gas temperature of seventy degrees Fahrenheit (70°F) and a gas pressure of 14.7 pounds per square inch absolute (psia).

23. Start-up—The setting into operation of any air pollution control equipment or process equipment, except the routine phasing in of process equipment.

24. State—Any nonfederal permitting authority, including any local agency, interstate association or statewide program. When clear from its context, state shall have its conventional territorial definition.

25. State implementation plan—A series of plans adopted by the commission, submitted by the director, and approved by the administrator, detailing methods and procedures to be used in attaining and maintaining the ambient air quality standards in Missouri.

26. Storage tank—Any tank, reservoir or vessel which is a container for liquids or gases, where no manufacturing process or part of it, takes place.

27. Structural item—Roofs, walls, ceilings, floors, structural supports, pipes, ducts, fittings and fixtures that have been installed as an integral part of any structure.

28. Submerged fill pipe—Any fill pipe the discharge opening of which is entirely submerged when the liquid level is six inches (6") above the bottom of the tank. Submerged fill pipe when applied to a tank which is loaded from the side is defined as any fill pipe, the discharge opening of which is entirely submerged when the liquid level is eighteen inches (18") or twice the diameter of the fill pipe, whichever is greater, above the bottom of the tank.

29. Synthesized pharmaceutical manufacturing—Manufacture of pharmaceutical products by chemical synthesis.

(V) All terms beginning with "V."

1. Vacuum producing system—Any reciprocating, rotary or centrifugal blower or compressor or any jet ejector device that takes suction from a pressure below atmospheric on a system containing volatile hydrocarbons.

2. Vapor recovery system—A vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing the hydrocarbon vapors and gases so as to limit their emission to the atmosphere.

3. Vapor-mounted seal—A primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface and the floating roof.

4. Vapor tight—When applied to a delivery vessel or vapor recovery system as one that sustains a pressure change of no more than seven hundred fifty (750) pascals (three inches (3") of H_2O) in five (5) minutes when pressurized to a gauge pressure of four thousand five hundred (4,500) pascals (eighteen inches (18") of H_2O) or evacuated to a gauge pressure of one thousand five hundred (1,500) pascals (six inches (6") of H_2O).

5. Varnish—An unpigmented surface coating containing VOC and composed of resins, oils, thinners and driers used to give a glossy surface to wood, metal, etc.

6. Vehicle—Any mechanical device on wheels, designed primarily for use on streets, roads or highways, except those propelled or drawn by human or animal power or those used exclusively on fixed rails or tracks.

7. Vinyl coating—The application of a decorative or protective topcoat, or printing or vinyl coated fabric or vinyl sheet.

8. Visible emission—Any discharge of an air contaminant, including condensibles, which reduces the transmission of light or obscures the view of an object in the background.

9. Volatile organic compounds (VOC)—For all areas in Missouri VOC means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions to produce ozone. The following compounds will not be considered VOCs because of their known lack of participation in the atmospheric reactions to produce ozone:

CAS #	Hazardous Air Pollutant
138495428	1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
690391	1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
679867	1,1,2,2,3-pentafluoropropane (HFC-245ca);
24270664	1,1,2,3,3-pentafluoropropane (HFC-245ea);
431312	1,1,1,2,3-pentafluoropropane (HFC-245eb);
460731	1,1,1,3,3-pentafluoropropane (HFC-245fa);
431630	1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
406586	1,1,1,3,3-pentafluorobutane (HFC-365mfc);
422560	3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
507551	1,3-dichloro-1,1,2,2,3-pentafluoropropane HCFC-225cb);
354234	1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
1615754	1-chloro-1-fluorethane (HCFC-151a);
163702076	1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$);
163702087	2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$);
163702054	1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$);
163702065	2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$);
71556	1,1,1-trichloroethane (methyl chloroform);

67641	acetone;
25497294	chlorodifluoroethane (HCFC-142b);
75456	chlorodifluoromethane (HCFC-22);
593704	chlorofluoromethane (HCFC-31);
76153	chloropentafluoroethane (CFC-115);
63938103	chlorotetrafluoroethane (HCFC-124);
75718	dichlorodifluoromethane (CFC-12);
1717006	dichlorofluoroethane (HCFC-141b);
1320372	dichlorotetrafluoroethane (CFC-114);
34077877	dichlorotrifluoroethane (HCFC-123);
75376	difluoroethane (HFC-152a);
75105	difluoromethane (HFC-32);
74840	ethane;
353366	ethylfluoride (HFC-161);
74828	methane;
79209	methyl acetate;
75092	methylene chloride (dichloromethane);
98566	parachlorobenzotrifluoride (PCBTF);
354336	pentafluoroethane (HFC-125);
127184	perchloroethylene;
359353	tetrafluoroethane (HFC-134);
811972	tetrafluoroethane (HFC-134a);
75694	trichlorofluoromethane (CFC-11);
26523648	trichlorotrifluoroethane (CFC-113);
306832	trifluorodichloroethane (HCFC-123);
27987060	trifluoroethane (HFC-143a);
75467	trifluoromethane (HFC-23);
0	cyclic, branched or linear, completely fluorinated alkanes;
0	cyclic, branched or linear, completely fluorinated ethers with no unsaturations;
0	cyclic, branched or linear, completely methylated siloxanes;
0	cyclic, branched or linear, completely fluorinated tertiary amines with nounsaturations; and
0	sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorines.

VOC may be measured by a reference method, an equivalent method, an alternative method or by procedures specified in either 10 CSR 10-6.030 or 40 CFR 60. These methods and procedures may measure nonreactive compounds so an owner or operator must exclude these nonreactive compounds when determining compliance.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 724–728). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Limestone Producers Association, the U.S. Environmental Protection Agency (EPA), and Ameren Services provided comments on this proposed amendment. The comments generally supported the amendment with recommendations to clarify the state's approach concerning how fugitive emissions are counted and concerning the methods and circumstances for obtaining emission offsets.

Due to the similarity in the following two (2) comments, one (1) response that addresses both comments can be found at the end of these two (2) comments:

COMMENT: The Missouri Limestone Producers noted that the language in section (7) specifies that fugitive emissions are not counted when determining applicability for major review. The practice of not counting fugitives should be extended to minor sources. This change would be consistent with the EPA's policies.

COMMENT: EPA recommended that the wording in section (7) might be improved to even further clarify when fugitives must be considered for applicability purposes. Instead of expressing the idea that fugitives are not counted when not on the list, revise it to affirm that fugitives are counted when on the list.

RESPONSE AND EXPLANATION OF CHANGE: The purpose of this change was to clarify the fact that fugitive emissions are counted when calculating potential to emit for named sources. It is only for non-named sources that fugitive emissions are not counted, and then they are ignored only for the purpose of determining rule applicability. This is congruent with the federal new source review rules. Fugitive emissions are always considered when evaluating air quality impacts. Rock crushing plants are not on the named list, therefore fugitive emissions are not to be counted for determining applicability with section (7).

EPA does not address when fugitive emissions are to be used in determining applicability in individual states' minor source programs. Fugitive emissions, even from sources subject to minor review, can have significant impacts on ambient air, and section 643.075, RSMo makes no distinction between stack emission and fugitive emissions. The language of subsection (7)(A) has been changed for clarification as a result of this comment.

COMMENT: EPA commented that section (7) proposed language removes the emission offset requirements for construction or major modification for projects that have the potential to emit the nonattainment pollutant in amounts equal to or greater than the *de minimis* levels. If these offset requirements are removed, Missouri should provide a demonstration as part of the State Implementation Plan (SIP) submittal showing that the elimination of the offset requirements for these sources will not have an adverse impact on maintaining/achieving the National Ambient Air Quality Standards (NAAQS) in St. Louis.

RESPONSE: Prior to this proposed amendment, section (7) of this rule did require offsets for projects exceeding the *de minimis* levels of the nonattainment pollutant. The proposed rule change codifies recent practices of the department by removing this requirement. The old growth and increment system was to have been eliminated during a past SIP revision. The growth and increment system was replaced with a reasonable further progress approach in a previous SIP submittal. The St. Louis area has attained the one-hour ozone standard under this reasonable further progress approach. The proposed language retains offset requirements for all major nonattainment projects. Therefore, this is not a relaxation, but instead a clarification of intended requirements. The proposed amendment is congruent with the federal new source review rules. No changes have been made to the rule as a result of this comment.

COMMENT: EPA commented that the offset requirements in paragraph (7)(B)1. replaced statutory-like language replacing it with

weaker language that specifies that offsets only be adequate for meeting reasonable further progress goals. Offsets of no less than one to one must be retained in nonattainment areas, and they must be done according to Section 173(a)(1)(A) of the Clean Air Act.
RESPONSE AND EXPLANATION OF CHANGE: The intention of the proposed amendment was to clarify and simplify the rule not to relax offset requirements. The definition of Offset in 10 CSR 10-6.020(2)(O)1. clearly states that offsets must be no less than one to one. Offsets must be obtained according to the requirements of Section 173(a)(1)(A). Therefore, a phrase was added referencing these requirements as a result of this comment.

COMMENT: EPA commented that section (8) proposed language continues to be confusing with respect to treatment of fugitive emissions and whether they are considered as part of the applicability thresholds.
RESPONSE AND EXPLANATION OF CHANGE: Fugitive emissions are not counted when determining applicability unless the construction is being done by a named source. The rule has been clarified as a result of this comment.

COMMENT: EPA provided comments on paragraph (8)(A)3. which codifies the state's previous SIP commitment to retain emission offsets in the 8-hour St. Louis ozone nonattainment area. This section contemplates a future scenario in which contingency measures are triggered and major source permitting will then revert to a traditional part D program requiring both emissions offsets and Lowest Achievable Emission Rate (LAER) controls. The SIP requires that both offsets and LAER be retained through the end of the 2003 ozone season, and the rule language should be modified to assure that these requirements are retained until November 1, 2003. Also, the new language specifies only that offsets only be adequate for meeting reasonable further progress goals. Offsets of no less than one to one must be retained in nonattainment areas, and they must be done according to Section 173(a)(1)(A) of the Clean Air Act.
RESPONSE AND EXPLANATION OF CHANGE: The soonest that this rule can be effective is October 30, 2003, so the existing rules will stand until that time. The term offsets is defined in 10 CSR 10-6.020(2)(O)1., which specifies that the minimum offset ratio is one to one. Offsets must be obtained according to the requirements of Section 173(a)(1)(A). Therefore, the only change made as a result of this comment was a phrase added to refer to the Section 173(a)(1)(A) requirements of the Clean Air Act.

COMMENT: Ameren Services commented that paragraph (8)(A)3. requires offsets regardless of the air quality impact of the new or modified source. Instead of offsets, sources should be given the option of performing an air quality analysis to demonstrate that the project will have a negligible impact on the maintenance area. The rationale for this is twofold. First, the one-hour ozone SIP has yet to be completely implemented and EPA's Oxides of Nitrogen (NO_x) SIP call will yield yet further reductions in the nonattainment area. The reductions in emissions from these were apparently not required to achieve attainment of the one-hour ozone standard. The second concern is that offsets will not be available, thus preventing the permitting of new projects.
RESPONSE: The proposed language in paragraph (8)(A)3. is necessary to fulfill the state's obligation under the maintenance plan. Language cannot be removed or changed without changing the maintenance plan. When the more difficult to attain eight-hour ozone designations are made it seems certain that St. Louis will be designated as nonattainment making major projects again subject to LAER as well as offsets. It seems inappropriate to allow projects to forego offsets during the time period between nonattainment designations. The reductions from the NO_x SIP call should help to improve air quality in St. Louis. Dropping the offset requirements may require Missouri to adopt stricter NO_x controls than what EPA proposes. No changes were made as a result of this comment.

COMMENT: Ameren Services noted that paragraph (8)(A)3. makes an incorrect reference to subsections (7)(A) through (E).
RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has corrected the reference in response to this comment and renumbered subsections (7)(D) and (7)(E) to (7)(C) and (7)(D).

10 CSR 10-6.060 Construction Permits Required

(7) Nonattainment Area Permits.

(A) Solely for the purpose of determining applicability with section (7) of this rule, fugitive emissions shall be considered when calculating potential to emit for construction and modification only for installations belonging to one of the source categories listed in 10 CSR 10-6.020(3)(B), Table 2.

(B) A permit shall not be issued for the construction of a major operation for the nonattainment pollutants, or for a major modification for the nonattainment pollutant of an existing major operation, unless the following requirements, in addition to section (6) are met:

1. By the time the source is to commence operation, sufficient emissions offsets shall be obtained as required to ensure reasonable further progress toward attainment of the applicable national ambient air quality standard and consistent with the requirements of Section 173(a)(1)(A) of the Clean Air Act;

2. In the case of a new or modified installation which is located in a zone (within the nonattainment area) identified by the administrator, in consultation with the Secretary of Housing and Urban Development, as a zone to which economic development should be targeted, emissions of that pollutant resulting from the proposed new or modified installation will not cause or contribute to emissions levels which exceed the allowance permitted for that pollutant for that zone from new or modified installations;

3. Offsets have been obtained in accordance with the offset and banking procedures in 10 CSR 10-6.410;

4. The administrator has not determined that the state implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified;

5. Temporary installation and portable sources shall be exempt from this subsection provided that the source applies BACT for each pollutant emitted in a significant amount;

6. The applicant must provide documentation establishing that all installations in Missouri which are owned or operated by the applicant (or by any entity controlling, controlled by or under common control with the applicant) are subject to emission limitations and are in compliance, or are on a schedule for compliance, with all applicable requirements;

7. The applicant shall document that the provisions in its application for the installation and operation of pollution control equipment or processes will meet the lowest achievable emission rate (LAER) for the nonattainment pollutant. Temporary installations and portable equipment shall be exempt from LAER, provided the installation applies BACT for each pollutant emitted in a significant amount;

8. For phased construction projects, the determination of LAER shall be reviewed and modified as appropriate at the latest reasonable time prior to commencement of construction of each independent phase of construction;

9. The applicant must provide an alternate site analysis; and

10. The applicant shall provide an analysis of impairment to visibility in any Class I area (those designated in subsection (12)(I) of this rule) that would occur as a result of the installation or major

modification and as a result of the general, commercial, residential, industrial and other growth associated with the installation or major modification.

(C) Any construction or modification that will impact a federal Class I area shall be subject to the provisions of subsection (12)(H) of this rule.

(D) NO_x Requirements. For the purpose of section (7), any significant increase due to the levels of emission of oxides of nitrogen, shall be considered significant for ozone. Any installation with the potential to emit one hundred (100) tons per year of oxides of nitrogen located within an area which is nonattainment for ozone, must comply with the specific permit requirements of the nonattainment provisions of section (7) and with section (8) for any significant increase due to the levels of emission of oxides of nitrogen.

(8) Attainment and Unclassified Area Permits.

(A) Applicability.

1. Applicants for construction or major modification of installations which are in a category named in 10 CSR 10-6.020(3)(B), Table 2, excluding category number 27, and have the potential to emit one hundred (100) tons or more of any pollutant including all fugitive emissions shall adhere to the requirements of this section, in addition to the requirements of section (6) of this rule.

2. Applicants for construction or major modification of installations with the potential to emit two hundred and fifty (250) tons or more of any pollutant shall comply with the requirements of this section, in addition to the requirements of section (6). Solely for purposes of applicability of this section, fugitive emissions shall only be counted if the installation belongs to one of the source categories listed in 10 CSR 10-6.020(3)(B), Table 2.

3. Applicants in the St. Louis Metropolitan Ozone Maintenance Area for construction of major operations of VOC or oxides of nitrogen or for the major modification of a major operation where the net emission increase exceeds forty (40) tons or more per year of VOC or oxides of nitrogen shall obtain offsets and shall adhere to the requirements of this section, in addition to the requirements of section (6) of this rule. These offsets shall be obtained in accordance with the offset and banking procedures in 10 CSR 10-6.410. By the time the source is to commence operation, sufficient emissions offsets shall be as required to maintain the applicable national ambient air quality standard by the applicable date and consistent with the requirements of Section 173(a)(1)(A) of the Clean Air Act. In the event that the contingency measures of the St. Louis Metropolitan Maintenance Plan are triggered, construction or major modification of a major operation of VOC or oxides of nitrogen shall adhere to the requirements of section (7) of this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission adopts a rule as follows:

10 CSR 10-6.061 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2003 (28 MoReg 728–731). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Associated General Contractors of Missouri, U.S. Environmental Protection Agency (EPA), Boeing Company, and Friends of Agriculture for the Reform of Missouri Environmental Regulations (F.A.R.M.E.R.) provided comments on this rule. The Associated General Contractors of Missouri and the Boeing Company suggested either new exemptions or the clarification of proposed exemptions. EPA noted that for some exemptions it was not intuitively obvious that the activities were *de minimis* and asked that the department provide a justification when submitting this rule to them for inclusion in the State Implementation Plan. EPA also made suggestions to improve several specific exemptions. F.A.R.M.E.R. requested that livestock markets and livestock operations that have previously been constructed be exempted from the rule.

COMMENT: The Associated General Contractors of Missouri commented that the Managing For Results Team identified screening plants for already crushed material in aggregate production as an activity that should also be exempt and requested that the department consider including this exemption in the final rule.

RESPONSE: Staff reviewed this activity and concluded that product screening activities have the potential to have relatively high emission rates and consequently relatively high ambient air impacts. Without conditions such as emission limits or controls or minimum setbacks from the property boundaries it would not be prudent to provide a broad exemption for these sources.

In addition, the spreadsheet tool (Ambient Air Quality/Construction Permit Application—Stone Quarrying and Processing Plants) is available for rock crushing plants and product screening activities. Use of this tool has dramatically reduced permit review time for these types of projects. A pre-construction waiver is also available for these types of projects. Waivers allow construction of minor sources to begin prior to permit issuance provided the applicant accepts the liability and understands that the permit may not be approved. Because of the potential air quality impacts from aggregate screening activities and the other permit streamlining options available, no changes were made to the rule as a result of this comment.

Due to the similarity in the following two (2) comments, one (1) response can be found at the end of these two (2) comments:

COMMENT: EPA commented that the proposed amendment adds about seventy-five (75) new activities that will be exempt from the minor source construction permit program. Some of these activities are intuitively *de minimis*. For other activities, Missouri must submit a substantial analysis demonstrating that the new exemptions will not interfere with attainment and maintenance of any National Ambient Air Quality Standards (NAAQS), particularly in St. Louis and Kansas City. The package should include substantive documentation showing—through the use of emission factors, production limits, or other relevant information—the basis for each category of exempt equipment.

COMMENT: The Associated General Contractors of Missouri noted that most of the activities being exempted were already exempt by either rule or policy and that this proposed amendment serves only as a consolidation.

RESPONSE: While not a strict consolidation, most of the activities listed in the new rule were either previously exempted by rule or by policy. Many of the additions are indeed, intuitively *de minimis*. For those that aren't, the department's Air Pollution Control Program will prepare a justification document to accompany this rule change when submitting the rule for inclusion in the State Implementation

Plan (SIP). No changes were made to the rule as a result of this comment.

COMMENT: EPA recommended that the exemption listed in part (3)(A)2.T.(IX) be clarified such that this exemption is only for beverage alcohol, and not for tanks at facilities like an ethanol plant.
RESPONSE AND EXPLANATION OF CHANGE: A phrase to clarify the intent of this exemption has been added as a result of this comment.

COMMENT: EPA commented that the exemption for batch mixing of inks, coating, or paints provided in part (3)(A)2.V.(I) should include requirements for good housekeeping similar to those found in the auto body repair and refinishing exemption.
RESPONSE AND EXPLANATION OF CHANGE: Good housekeeping requirements have been added to this exemption as a result of this comment.

COMMENT: EPA commented that care must be used in calculation techniques to make sure that sources are not exempted when they should actually be subject to major review. Subsection (3)(C) does make it clear that projects otherwise subject to major review are not exempt and recommended that this requirement be moved to the front of the rule. This change in organization will help to prevent this from being overlooked.
RESPONSE AND EXPLANATION OF CHANGE: The language from subsection (3)(C) has been moved to section (1) as a result of this comment.

COMMENT: The Boeing Company noted their support for the proposed rule, and commented on the combustion equipment exemption. In addition to providing a simple heat input exemption the language also imposes a threshold of one hundred fifty (150) pounds per day of any air contaminant. This imposes a burden on an operator because an emission calculation is required, and most operators will have to seek expert advice to do this calculation. Boeing also commented that the more liberal exemption for heating units of twenty (20) million British thermal units should be extended to industrial facilities where the current exemption is only for heating units that have a heat input of less than ten (10) million British thermal units. In addition, a new permit-by-rule category should be considered for boilers that are too large to be exempt but too small to require emission controls in a Reasonably Available Control Technologies (RACT), a New Source Performance Standard (NSPS), or a National Emission Standards for Hazardous Air Pollutants (NESHAP) rule.
RESPONSE: The calculation required to show that the emissions from a small boiler will be less than one hundred fifty (150) pounds per day is not unduly burdensome. The department gladly assists potential applicants with this calculation. There are other exemptions that require emission calculations, so this is not inconsistent with other exemptions. Commercial facilities seldom have other air pollution activities, so providing a more liberal exemption to commercial facilities than to industrial facilities does have merit. The concern is a situation where industrial facilities add small boilers where the air quality resource is already impacted by the other emissions from that facility. Small boilers will be added to the list of categories that will be examined as potential permit-by-rule categories. No changes were made to the rule as a result of this comment.

COMMENT: Boeing commented on subparagraph (3)(A)2.H. noting that the exemption does not apply to fugitive dust controls unless a control efficiency can be assigned to the control equipment. It is unclear why the need for a construction permit would hinge on whether a control efficiency can be assigned. If the exemption is intended to exclude such activities as haul road dust suppression, perhaps those activities could be described directly instead.
RESPONSE AND EXPLANATION OF CHANGE: Activities that generate fugitive dust are not exempted by this subparagraph, only the control equipment. The language has been clarified to reflect this intent as a result of this comment.

COMMENT: F.A.R.M.E.R. provided detailed comments on the regulatory background for livestock exemptions. In order to resolve ongoing litigation related to livestock exemptions, F.A.R.M.E.R. recommended exemption clarification language for the operating permit rule-and-permit by rule language for new livestock operations.
RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program is adding a livestock markets and operations permit by rule category to the new rule for permits by rule and has clarified the livestock exemption language in subparagraph (3)(A)2.D.

10 CSR 10-6.061 Construction Permit Exemptions

(1) Applicability. This rule shall apply to all installations in Missouri. The provisions of section (3) of this rule notwithstanding, 10 CSR 10-6.060 shall apply to any construction, reconstruction, alteration or modification which—

(A) Is expressly required by an operating permit; or

(B) Is subject to federally-mandated construction permitting requirements set forth in sections (7), (8), or (9), or any combination of these, of 10 CSR 10-6.060.

(3) General Provisions. The following construction or modifications are not required to obtain a permit under 10 CSR 10-6.060:

(A) Exempt Emission Units.

1. The following combustion equipment is exempt from 10 CSR 10-6.060 if the equipment emits only combustion products, and the equipment produces less than one hundred fifty (150) pounds per day of any air contaminant:

A. Any combustion equipment using exclusively natural gas or liquefied petroleum gas or any combination of these with a capacity of less than ten (10) million British thermal units (Btus) per hour heat input;

B. Any combustion equipment with a capacity of less than one (1) million Btus per hour heat input;

C. Drying or heat treating ovens with less than ten (10) million Btus per hour capacity provided the oven does not emit pollutants other than the combustion products and the oven is fired exclusively by natural gas, liquefied petroleum gas, or any combination thereof; and

D. Any oven with a total production of yeast leavened bakery products of less than ten thousand (10,000) pounds per operating day heated either electrically or exclusively by natural gas firing with a maximum capacity of less than ten (10) million Btus per hour.

2. The following establishments, systems, equipment and operations are exempt from 10 CSR 10-6.060:

A. Office and commercial buildings, where emissions result solely from space heating by natural or liquefied petroleum gas of less than twenty (20) million Btus per hour heat input. Incinerators operated in conjunction with these sources are not exempt unless the incinerator operations are exempt under another section of this rule;

B. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;

C. Equipment used for any mode of transportation;

D. Livestock markets and livestock operations, including animal feeding operations and concentrated animal feeding operations as those terms are defined by 40 CFR 122.23 and all manure storage and application systems associated with livestock markets or livestock operations, that were constructed on or before November 30, 2003. This exemption includes any change, installation, construction

or reconstruction of a process, process equipment, emission unit, or air cleaning device after November 30, 2003, unless such change, installation, construction or reconstruction involves an increase in the operation's capacity to house or grow animals.

E. Any grain handling, storage and drying facility which—

(I) Is in noncommercial use only (used only to handle, dry or store grain produced by the owner if) —

(a) The total storage capacity does not exceed seven hundred fifty thousand (750,000) bushels;

(b) The grain handling capacity does not exceed four thousand (4,000) bushels per hour; and

(c) The facility is located at least five hundred feet (500') from any recreational area, residence or business not occupied or used solely by the owner;

(II) Is in commercial use and the total storage capacity of the new and any existing facility(ies) does not exceed one hundred ninety thousand (190,000) bushels; or

(III) The installation of additional grain storage capacity in which there is no increase in hourly grain handling capacity and existing grain receiving and loadout equipment are utilized;

F. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

G. Any wet sand and gravel production facility that obtains its material from subterranean and subaqueous beds where the deposits of sand and gravel are consolidated granular materials resulting from natural disintegration of rock and stone and whose maximum production rate is less than five hundred (500) tons per hour. All permanent in-plant roads shall be paved and cleaned, or watered, or properly treated with dust-suppressant chemicals as necessary to achieve good engineering control of dust emissions. Only natural gas shall be used as a fuel when drying;

H. Equipment solely installed for the purpose of controlling fugitive dust;

I. Equipment or control equipment which eliminates all emissions to the ambient air;

J. Equipment, including air pollution control equipment, but not including an anaerobic lagoon, that emits odors but no regulated air pollutants;

K. Residential wood heaters, cookstoves or fireplaces;

L. Laboratory equipment used exclusively for chemical and physical analysis or experimentation, except equipment used for controlling radioactive air contaminants;

M. Recreational fireplaces;

N. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption;

O. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized as authorized in section 269.020.6, RSMo 2000;

P. The following miscellaneous activities:

(I) Use of office equipment and products, not including printing establishments or businesses primarily involved in photographic reproduction. This exemption is solely for office equipment that is not part of the manufacturing or production process at the installation;

(II) Tobacco smoking rooms and areas;

(III) Hand-held applicator equipment for hot melt adhesives with no volatile organic compound (VOC) in the adhesive formula;

(IV) Paper trimmers and binders;

(V) Blacksmith forges, drop hammers, and hydraulic presses;

(VI) Hydraulic and hydrostatic testing equipment; and

(VII) Environmental chambers, shock chambers, humidity chambers, and solar simulators provided no hazardous air pollutants are emitted by the process;

Q. The following internal combustion engines:

(I) Portable electrical generators that can be moved by hand without the assistance of any motorized or non-motorized vehicle, conveyance or device;

(II) Spark ignition or diesel fired internal combustion engines used in conjunction with pumps, compressors, pile drivers, welding, cranes, and wood chippers or internal combustion engines or gas turbines of less than two hundred fifty (250) horsepower rating; and

(III) Laboratory engines used in research, testing, or teaching;

R. The following quarries, mineral processing, and biomass facilities:

(I) Drilling or blasting activities;

(II) Concrete or aggregate product mixers or pug mills with a maximum rated capacity of less than fifteen (15) cubic yards per hour;

(III) Rip Rap production processes consisting only of a grizzly feeder, conveyors, and storage, not including additional hauling activities associated with Rip Rap production;

(IV) Sources at biomass recycling, composting, landfill, publicly owned treatment works (POTW), or related facilities specializing in the operation of, but not limited to tub grinders powered by a motor with a maximum output rating of ten (10) horsepower, hoggers and shredders and similar equipment powered by a motor with a maximum output rating of twenty-five (25) horsepower, and other sources at such facilities with a total throughput less than five hundred (500) tons per year; and

(V) Landfarming of soils contaminated only with petroleum fuel products where the farming beds are located a minimum of three hundred feet (300') from the property boundary;

S. The following kilns and ovens:

(I) Kilns with a firing capacity of less than ten (10) million Btus per hour used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity, or any combination thereof; and

(II) Electric ovens or kilns used exclusively for curing or heat-treating provided no Hazardous Air Pollutants (HAPs) or VOCs are emitted;

T. The following food and agricultural equipment:

(I) Any equipment used in agricultural operations to grow crops;

(II) Equipment used exclusively to slaughter animals. This exemption does not apply to other slaughterhouse equipment such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;

(III) Commercial smokehouses or barbecue units in which the maximum horizontal inside cross-sectional area does not exceed twenty (20) square feet;

(IV) Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices or coffee;

(V) Equipment with the potential to dry, mill, blend, grind, or package less than one thousand (1,000) pounds per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch;

(VI) Equipment with the potential to convey, transfer, clean, or separate less than one thousand (1,000) tons per year of dry food products or waste from food production operations;

(VII) Storage equipment or facilities containing dry food products that are not vented to the outside atmosphere or which have the potential to handle less than one thousand (1,000) tons per year;

(VIII) Coffee, cocoa, and nut roasters with a roasting capacity of less than fifteen (15) pounds of beans or nuts per hour, and any stoners or coolers operated with these roasters;

(IX) Containers, reservoirs, tanks, or loading equipment used exclusively for the storage or loading of beer, wine, or other alcoholic beverages produced for human consumption;

(X) Brewing operations at facilities with the potential to produce less than three (3) million gallons of beer per year; and

(XI) Fruit sulfuring operations at facilities with the potential to produce less than ten (10) tons per year of sulfured fruits and vegetables;

U. Batch solvent recycling equipment provided the recovered solvent is used primarily on-site, the maximum heat input is less than one (1) million Btus per hour, the batch capacity is less than one hundred fifty (150) gallons, and there are no solvent vapor leaks from the equipment which exceed five hundred (500) parts per million;

V. The following surface coating and printing operations:

(I) Batch mixing of inks, coatings, or paints provided good housekeeping is practiced, spills are cleaned up as soon as possible, equipment is maintained according to manufacturer's instruction and property is kept clean. In addition, all waste inks, coating, and paints shall be disposed of properly. Prior to disposal all liquid waste shall be stored in covered container. This exemption does not apply to ink, coatings, or paint manufacturing facilities;

(II) Any powder coating operation, or radiation cured coating operation where ultraviolet or electron beam energy is used to initiate a reaction to form a polymer network;

(III) Any surface coating source that employs solely nonrefillable handheld aerosol cans; and

(IV) Surface coating operations utilizing powder coating materials with the powder applied by an electrostatic powder spray gun or an electrostatic fluidized bed;

W. The following metal working and handling equipment:

(I) Carbon dioxide (CO_2) lasers, used only on metals and other materials that do not emit a HAP or VOC in the process;

(II) Laser trimmers equipped with dust collection attachments;

(III) Equipment used for pressing or storing sawdust, wood chips, or wood shavings;

(IV) Equipment used exclusively to mill or grind coatings and molding compounds in a paste form provided the solution contains less than one percent (1%) VOC by weight;

(V) Tumblers used for cleaning or deburring metal products without abrasive blasting;

(VI) Batch mixers with a rated capacity of fifty-five (55) gallons or less provided the process will not emit hazardous air pollutants;

(VII) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives provided the process will not emit hazardous air pollutants;

(VIII) Equipment used exclusively for the packaging of lubricants or greases;

(IX) Platen presses used for laminating provided the process will not emit hazardous air pollutants;

(X) Roll mills or calendars for rubber or plastics provided the process will not emit hazardous air pollutants;

(XI) Equipment used exclusively for the melting and applying of wax containing less than one percent (1%) VOC by weight;

(XII) Equipment used exclusively for the conveying and storing of plastic pellets; and

(XIII) Solid waste transfer stations that receive or load out less than fifty (50) tons per day of nonhazardous solid waste;

X. The following liquid storage and loading equipment:

(I) Storage tanks and vessels having a capacity of less than five hundred (500) gallons; and

(II) Tanks, vessels, and pumping equipment used exclusively for the storage and dispensing of any aqueous solution which contains less than one percent (1%) by weight of organic compounds. Tanks and vessels storing the following materials are not exempt:

(a) Sulfuric or phosphoric acid with an acid strength of more than ninety-nine percent (99.0%) by weight;

(b) Nitric acid with an acid strength of more than seventy percent (70.0%) by weight;

(c) Hydrochloric or hydrofluoric acid with an acid strength of more than thirty percent (30.0%) by weight; or

(d) More than one liquid phase, where the top phase contains more than one percent (1%) VOC by weight;

Y. The following chemical processing equipment or operations:

(I) Storage tanks, reservoirs, pumping, and handling equipment, and mixing and packaging equipment containing or processing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized; and

(II) Batch loading and unloading of solid phase catalysts;

Z. Body repair and refinishing of motorcycle, passenger car, van, light truck and heavy truck and other vehicle body parts, bodies, and cabs, provided—

(I) Good housekeeping is practiced; spills are cleaned up as soon as possible, equipment is maintained according to manufacturers' instructions, and property is kept clean. In addition, all waste coatings, solvents, and spent automotive fluids including, but not limited to, fuels, engine oil, gear oil, transmission fluid, brake fluid, antifreeze, fresh or waste fuels, and spray booth filters or water wash sludge are disposed of properly. Prior to disposal, all liquid waste shall be stored in covered containers. All solvents and cleaning materials shall be stored in closed containers;

(II) All spray coating operations shall be performed in a totally enclosed filtered spray booth or totally enclosed filtered spray area with an air intake area of less than one hundred (100) square feet. All spray areas shall be equipped with a fan which shall be operated during spraying, and the exhaust air shall either be vented through a stack to the atmosphere or the air shall be recirculated back into the shop through a carbon adsorption system. All carbon adsorption systems shall be properly maintained according to the manufacturer's operating instructions, and the carbon shall be replaced at the manufacturer's recommended intervals to minimize solvent emissions; and

(III) Spray booth, spray area, and preparation area stacks shall be located at least eighty feet (80') away from any residence, recreation area, church, school, child care facility, or medical or dental facility;

AA. Sawmills processing no more than twenty-five (25) million board feet, green lumber tally of wood per year, in which no mechanical drying of lumber is performed, in which fine particle emissions are controlled through the use of properly engineered baghouses or cyclones, and which meet all of the following provisions:

(I) The mill shall be located at least five hundred feet (500') from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the installation is located;

(II) All sawmill residues (sawdust, shavings, chips, bark) from debarking, planing, saw areas, etc., shall be removed or contained to minimize fugitive particulate emissions. Spillage of wood residues shall be cleaned up as soon as possible and contained such that dust emissions from wind erosion and/or vehicle traffic are minimized. Disposal of collected sawmill residues must be accomplished in a manner that minimizes residues becoming airborne. Disposal by means of burning is prohibited unless it is conducted in a permitted incinerator; and

(III) All open-bodied vehicles transporting sawmill residues (sawdust, shavings, chips, bark) shall be covered with a tarp to achieve maximum control of particulate emissions;

BB. Internal combustion engines and gas turbine driven compressors, electric generator sets, and water pumps, used only for portable or emergency services, provided that the maximum annual operating hours shall not exceed five hundred (500) hours. Emergency generators are exempt only if their sole function is to provide back-up power when electric power from the local utility is interrupted. This exemption only applies if the emergency generators are operated only during emergency situations and for short periods of time to perform maintenance and operational readiness testing. The emergency generator shall be equipped with a non-resettable meter; and

CC. Commercial dry cleaners.

3. At installations, previously issued a permit under 10 CSR 10-6.060, construction or modification are exempt from 10 CSR 10-6.060 if they meet the requirements of subparagraphs (3)(A)3.A. or (3)(A)3.B. of this rule for criteria pollutants, except lead, and subparagraph (3)(A)3.C. for hazardous air pollutants. The director may require review of construction or modifications otherwise exempt under subparagraphs (3)(A)3.A., (3)(A)3.B., or (3)(A)3.C. of this rule if the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are appreciably exceeded or complaints involving air pollution have been filed in the vicinity of the proposed construction or modification.

A. For proposed construction or modification located less than five hundred feet (500') from the property boundary, at maximum design capacity the proposed construction or modification shall emit each criteria pollutant at a rate of no more than one-half (0.5) pound per hour. For proposed construction or modification located more than five hundred feet (500') from the property boundary, at a maximum design capacity the proposed construction or modification shall emit no more than 0.91 pound per hour.

B. Actual emissions of each criteria pollutant will be no more than eight hundred seventy-six (876) pounds per year.

C. At maximum design capacity, the proposed construction or modification will emit a hazardous air pollutant at a rate of no more than one-half (0.5) pound per hour, or the hazardous emission threshold as established in subsection (12)(J) of 10 CSR 10-6.060, whichever is less.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission adopts a rule as follows:

10 CSR 10-6.062 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2003 (28 MoReg 731–734). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The U.S. Environmental Protection Agency (EPA) and Friends of Agriculture for the Reform of Missouri Environmental Regulations (F.A.R.M.E.R.) provided comments on this rule. The comments were generally supportive of the rulemaking. EPA provided many detailed comments concerning both the general requirements of the rule and specific requirements established in each individual permit-by-rule category. F.A.R.M.E.R. suggested a new permit-by-rule category for livestock markets and livestock operations.

COMMENT: EPA commented that subsection (1)(E) authorizes the director to require additional air quality analysis if it is likely that that proposed construction or modification would appreciably affect air quality or the air quality standards are being appreciably exceeded. This language is based on the statutory language for denial of a permit. However, to ensure protection of the air quality standards, the standard for determining whether to require additional air quality analysis should be lower than the standard for denial of a permit.
RESPONSE AND EXPLANATION OF CHANGE: The purpose of this subsection was to provide a backdrop so that if an air quality issue is discovered, either in a company's notification or during a subsequent post-construction review of the project, there is a way to require such an analysis. A phrase was added to subsection (1)(E) that says the permits-by-rule can be revoked based on an air quality analysis as a result of this comment.

COMMENT: EPA commented that the provisions in paragraph (3)(A)1. would allow an operator to begin both construction and operation immediately upon giving notification. This approach would not provide any time for the department to review the submission to determine that the source qualifies, and that the source would not have any adverse air quality impact, prior to construction. EPA recommended that the state revise the rule such that the operator may begin construction a specified number of days after notification, unless the department finds that the project does not qualify for the rule or unless the department finds that additional air quality analysis is required.
RESPONSE AND EXPLANATION OF CHANGE: The conditions placed on each permit-by-rule are generally protective of ambient air. The entire purpose of the permit-by-rule approach is to avoid pre-construction review for those operators willing to accept the generic conditions. A post-construction review of the project would serve the same purpose as a pre-construction review. Should an inspector find that an operator is not abiding by the conditions of the permit-by-rule, the case would be handled in a manner similar to those where the operator is not abiding by their permit conditions or where an operator constructed without first obtaining a construction permit. It does seem prudent, however, to include a provision to revoke a permit-by-rule. New subsection (3)(C) was added to the rule which provides a mechanism to revoke a permit-by-rule as a result of this comment.

COMMENT: EPA commented that in paragraph (3)(A)4. the proposed language assumes that a permit-by-rule will be approved following an on-site compliance review. Yet, the state may find that the operator has not met the terms or agreement necessary to qualify for permit-by-rule. The rule should be changed to reflect that the state will take final agency action, meaning approval or denial, following the on-site review.
RESPONSE AND EXPLANATION OF CHANGE: Language was changed to reflect that the state will take final agency action on the permit-by-rule, as well as clarifying several other minor wording changes throughout the rule as a result of this comment.

COMMENT: EPA commented that the general provisions do not include a requirement for the operator to notify the department if it exceeds the emission cap or other operating limitations specified in the rules. Even if a reporting obligation exists as part of the operat-

ing permit or by other rules, it would be helpful to include a specific requirement in this rule to make sure that operators meet their compliance obligations.
RESPONSE AND EXPLANATION OF CHANGE: This requirement has been added to section (4) as a result of this comment.

COMMENT: EPA commented that the printing permit-by-rule in paragraph (3)(B)1. limits printing operations to annual Volatile Organic Compounds (VOC) emission to less than forty (40) tons per year rolling average. Instead of specifying an annual average period, EPA recommended a twelve (12)-month period, rolled monthly. The same issue exists in the proposed language in paragraph (3)(B)3. for surface coating operations.
RESPONSE AND EXPLANATION OF CHANGE: These changes have been made as a result of this comment.

COMMENT: EPA commented that the rule language is lacking procedures for calculating emissions for the printing operations permit-by-rule. This is also true for the surface coating permit-by-rule. There is a requirement that a mass balance accounting be used, but the burden rests solely with the operator to perform this calculation. The rule should include a detailed text description, including examples, to detail how VOC and Hazardous Air Pollutant (HAP) emissions are accounted for. The procedures should certainly be included as examples in the application kit prepared by the department and made available to applications.
RESPONSE: Including detailed calculations would make the rule unduly complicated and difficult to follow. The intent is to develop a very specific permit-by-rule package for each industry category detailing and specifying how the calculations are to be made. These packages will likely contain guidance on other air issues common to each category, such as listing other rules that would likely apply to the source. 10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information requires many sources to calculate and report emissions, so the mechanism for doing this is established. No changes were made to the rule as a result of this comment.

COMMENT: EPA commented that subparagraph (3)(B)2.E. should be revised to say that the secondary chamber of the incinerator should not only be designed to maintain a temperature of one thousand six hundred degrees Fahrenheit (1,600°F), but also operated at that temperature.
RESPONSE: Subparagraph (3)(B)2.D. requires the burners to be operated such that the minimum temperature is maintained. No changes were made to the rule as a result of this comment.

COMMENT: EPA commented that the crematories and animal incinerator permit-by-rule requires a ten percent opacity limit at all times. It seems reasonable to include a condition in the permit-by-rule that requires the owner or operator to periodically conduct a visible assessment of emissions from the stack and record the results for later review by inspectors.
RESPONSE: For many industries periodic record keeping would be easily justified. Operators of small crematories and animal incinerators generally do not have the training or skills to read opacity. In addition, due to the nature of the waste they are disposing, they are very sensitive to heavy smoke plumes. Staff considered requiring periodic self-monitoring, but concluded that this would not be necessary but instead become a burden that would not prove worthwhile. No changes were made to the rule as a result of this comment.

COMMENT: EPA commented that in addition to any ambient concentration-based HAP threshold specified in part (3)(B)3.D.(III), the permit-by-rule should protect against emissions of any single HAP in excess of ten (10) tons per year (twelve (12) months, rolled monthly). Above this threshold the source may be subject to the 112(g) requirements; implemented through 10 CSR 10-6.060(9).
RESPONSE AND EXPLANATION OF CHANGE: The threshold levels referenced in part (3)(B)3.D.(III) are not concentration-based but emission rate based. In fact, most of these rates are from the proposed 112(g) rates as originally proposed by EPA. The language was changed, however, to clarify that the limits are to cover any twelve (12)-month period, rolled monthly.

COMMENT: EPA commented that the printing permit-by-rule is limited only to areas in attainment with the National Ambient Air Quality Standards (NAAQS). The surface coating permit-by-rule should contain a similar restriction.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, subparagraph (3)(B)3.H. has been added to limit the permit-by-rule to attainment areas.

COMMENT: EPA commented that the surface coating permit-by-rule contains a number of performance criteria on spray booths to minimize emission of particulate matter. The technical support document provided with the request to incorporate this rule into the State Implementation Plan (SIP) should include comprehensive modeling showing that the set-back distances in the rule are protective of the PM_{10} NAAQS under the most conservative circumstances. This analysis will be reviewed when determining SIP approvability.
RESPONSE: The department's Air Pollution Control Program intends to provide the requested technical demonstration. No changes were made to the rule as a result of this comment.

COMMENT: F.A.R.M.E.R. provided detailed comments on the regulatory background for livestock exemptions. In order to resolve ongoing litigation related to livestock exemptions, F.A.R.M.E.R. recommended exemption clarification language for the operating permit rule and permit-by-rule language for new livestock operations.
RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program is clarifying the livestock exemption language in the operating permit rule and has added a livestock markets and operations permit-by-rule category with new paragraph (3)(B)4.

10 CSR 10-6.062 Construction Permits By Rule

(1) Applicability. This rule shall apply to certain types of facilities or changes within facilities listed in this rule where construction is commenced on or after the effective date of the relevant permit-by-rule. To qualify for a permit-by-rule, the following general requirements must be met:

(E) The director may require an air quality analysis in addition to the general requirements listed in subsection (3)(B) of this rule if it is likely that the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are being appreciably exceeded or complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis. The permit-by-rule may be revoked if it is determined that emissions from the source interfere with the attainment or maintenance of ambient air quality standards.

(3) General Provisions.

(A) Registration. To qualify for a permit-by-rule, the owner or operator must notify the Missouri Department of Natural Resources' Air Pollution Control Program prior to commencement of construction. This notification will establish the permit-by-rule and become the conditions under which the facility is permitted. All representations made in the notification regarding construction plans, operating procedures, and maximum emission rates shall become conditions upon which the facility shall construct or modify. If the conditions,

as represented in the notification, vary in a manner that will change the method of emission controls, the character of the emissions, or will result in an increase of emissions, a new notification or permit application must be prepared and submitted to the department's Air Pollution Control Program.

1. The director shall provide a form by which operators can submit their notifications. The notification shall include documentation of the basis of emission estimates or activity rates and be signed by a responsible official certifying that the information contained in the notification is true, accurate, and complete. The expected first date of operation shall be included in the notification. Upon notification, the operator may begin construction and operation of the new source.

2. The notification shall be sent to the department's Air Pollution Control Program. Two (2) copies of the original notification shall be made. One (1) shall be sent to the appropriate regional office, and one (1) shall be maintained on-site and be provided immediately upon request by inspectors.

3. Fees. A review fee of seven hundred dollars ($700) shall accompany the notification sent to the department's Air Pollution Control Program.

4. Upon completion of an initial on-site compliance review, the permit-by-rule notification shall be approved.

(B) Permit-by-Rule.

1. Printing operations. Any printing operation (including, but not limited to, screen printers, ink-jet printers, presses using electron beam or ultraviolet light curing, and labeling operations) and supporting equipment (including, but not limited to, corona treaters, curing lamps, preparation, and cleaning equipment) which operate in compliance with the following conditions is permitted under this rule:

A. The uncontrolled emission of volatile organic compounds (VOCs) from inks and solvents (including, but not limited to, those used for printing, cleanup, or makeup) shall not exceed forty (40) tons per twelve (12)-month period, rolled monthly, for all printing operations on the property. The emissions shall be calculated using a material balance that assumes that all of the VOCs in the inks and solvents used are directly emitted to the atmosphere;

B. The uncontrolled emission of hazardous air pollutants shall not exceed ten (10) tons per twelve (12)-month period, rolled monthly, for all printing operations on the property. The emissions shall be calculated using a material balance that assumes that all hazardous air pollutants used are directly emitted to the atmosphere;

C. Copying and duplicating equipment employing the xerographic method are exempt from subparagraphs (3)(B)1.D.–G. of this rule;

D. Printing presses covered by this section shall not utilize heat set, thermo set, or oven-dried inks. Heated air may be used to shorten drying time, provided the temperature does not exceed one hundred ninety-four degrees Fahrenheit (194°F);

E. Screen printing operations requiring temperatures greater than one hundred ninety-four degrees Fahrenheit (194°F) to set the ink are exempt from subparagraph (3)(B)1.D. of this rule;

F. The facility shall not be located in an ozone nonattainment area; and

G. Record keeping. The operator shall maintain records of ink and solvent usage and shall be kept in sufficient detail to show compliance with subparagraphs (3)(B)1.A. and 1.B. of this rule.

2. Crematories and animal incinerators. Any crematory or animal incinerator that is used solely for the cremation of human remains, disposal of human pathological wastes, or animal carcasses and operates in compliance with the following conditions is permitted under this rule:

A. The materials to be disposed of shall be limited to noninfectious human materials removed during surgery, labor and delivery, autopsy, or biopsy including body parts, tissues and fetuses, organs, bulk blood and body fluids, blood or tissue laboratory specimens; and other noninfectious anatomical remains or animal carcasses in whole or in part. The owner or operator shall minimize the amount of packaging fed to the incinerator, particularly plastic containing chlorine. The incinerators shall not be used to dispose of other nonbiological medical wastes including, but not limited to, sharps, rubber gloves, intravenous bags, tubing, and metal parts;

B. The manufacturer's rated capacity (burn rate) shall be two hundred (200) pounds per hour or less;

C. The incinerator shall be a dual-chamber design;

D. Burners shall be located in each chamber, sized to manufacturer's specifications, and operated as necessary to maintain the minimum temperature requirements of subparagraph (3)(B)2.E. of this rule at all times when the unit is burning waste;

E. Excluding crematories, the secondary chamber must be designed to maintain a temperature of one thousand six hundred degrees Fahrenheit (1,600°F) or more with a gas residence time of one-half (1/2) second or more. The temperature shall be monitored with equipment that is accurate to plus or minus two percent ($\pm 2\%$) and continuously recorded. The thermocouples or radiation pyrometers shall be fitted to the incinerator and wired into a manual reset noise alarm such that if the temperature in either of the two (2) chambers falls below the minimum temperature above, the alarm will sound at which time plant personnel shall take immediate measures to either correct the problem or cease operation of the incinerator until the problem is corrected;

F. There shall be no obstructions to stack flow, such as by rain caps, unless such devices are designed to automatically open when the incinerator is operated. Properly installed and maintained spark arresters are not considered obstructions;

G. Each incinerator operator shall be trained in the incinerator operating procedures as developed by the American Society of Mechanical Engineers (ASME), by the incinerator manufacturer, or by a trained individual with more than one (1) year experience in the operation of the incinerator that the trainee will be operating. Minimum training shall include basic combustion control parameters of the incinerator and all emergency procedures to be followed should the incinerator malfunction or exceed operating parameters. An operator who meets the training requirements of this condition shall be on duty and immediately accessible during all periods of incinerator operation. The manufacturer's operating instructions and guidelines shall be posted at the unit and the unit shall be operated in accordance with these instructions;

H. The incinerator shall have an opacity of less than ten percent (10%) at all times;

I. Heat shall be provided by the combustion of natural gas, liquid petroleum gas, or Number 2 fuel oil with less than three-tenths percent (0.3%) sulfur by weight, or by electric power; and

J. Record keeping. The operator shall maintain a log of all alarm trips and the resultant action taken. A written certification of the appropriate training received by the operator, with the date of training, that includes a list of the instructor's qualifications or ASME certification school shall be maintained for each operator. The operator shall maintain an accurate record of the monthly amount and type of waste combusted.

3. Surface coating. Any surface coating activity or stripping facility that operates in compliance with the following conditions is permitted under this rule:

A. Metalizing, spraying molten metal onto a surface to form a coating, is not permitted under this permit-by-rule. The use of coatings that contain metallic pigments is permitted;

B. All facilities shall implement good housekeeping procedures to minimize fugitive emissions, including:

(I) All spills shall be cleaned up immediately;

(II) The booth or work area exhaust fans shall be operating when cleaning spray guns and other equipment; and

(III) All new and used coatings and solvents shall be stored in closed containers. All waste coatings and solvents shall be removed from the site by an authorized disposal service or disposed of at a permitted on-site waste management facility;

C. Drying and curing ovens shall either be electric or meet the following conditions:

(I) The maximum heat input to any oven must not exceed forty (40) million British thermal units (Btus) per hour; and

(II) Heat shall be provided by the combustion of one of the following: natural gas; liquid petroleum gas; fuel gas containing no more than twenty (20.0) grains of total sulfur compounds (calculated as sulfur) per one hundred (100) dry standard cubic feet; or Number 2 fuel oil with not more than three-tenths percent (0.3%) sulfur by weight;

D. Emissions shall be calculated using a material balance that assumes that all VOCs and hazardous air pollutants in the paints and solvents used are directly emitted to the atmosphere. The total uncontrolled emissions from the coating materials (as applied) and cleanup solvents shall not exceed the following for all operations:

(I) Forty (40) tons per twelve (12)-month period, rolled monthly, of VOCs for all surface coating operations on the property;

(II) A sum of twenty-five (25) tons per twelve (12)-month period, rolled monthly, of all hazardous air pollutants for all surface coating operations on the property; and

(III) Each individual hazardous air pollutant shall not exceed the emission threshold levels established in 10 CSR 10-6.060(12)(J), rolled monthly;

E. The surface coating operations shall be performed indoors, in a booth, or in an enclosed work area. The booth shall be designed to meet a minimum face velocity at the intake opening of each booth or work area of one hundred feet (100') per minute. Emissions shall be exhausted through elevated stacks that extend at least one and one-half (1 1/2) times the building height above ground level. All stacks shall discharge vertically. There shall be no obstructions to stack flow, such as rain caps, unless such services are designed to automatically open when booths are operated;

F. For spraying operations, emissions of particulate matter must be controlled using either a water wash system or a dry filter system with a ninety-five percent (95%) removal efficiency as documented by the manufacturer. The face velocity at the filter shall not exceed two hundred fifty feet (250') per minute or that specified by the filter manufacturer, whichever is less. Filters shall be replaced according to the manufacturer's schedule or whenever the pressure drop across the filter no longer meets the manufacturer's recommendation;

G. Coating operations shall be conducted at least fifty feet (50') from the property line and at least two hundred fifty feet (250') from any recreational area, residence, or other structure not occupied or used solely by the owner or operator of the facility or the owner of the property upon which the facility is located;

H. The facility shall not be located in an ozone nonattainment area; and

I. Record keeping. The operator shall maintain the following records and reports:

(I) All material safety data sheets for all coating materials and solvents;

(II) A monthly report indicating the days the surface coating operation was in operation and the total tons emitted during the month, and the calculation showing compliance with the rolling average emission limits of subparagraph (3)(B)3.D. of this rule;

(III) A set of example calculations showing the method of data reduction including units, conversion factors, assumptions, and the basis of the assumptions; and

(IV) These reports and records shall be immediately available for inspection at the installation.

4. Livestock markets and livestock operations. Any livestock market or livestock operation including animal feeding operations and concentrated animal feeding operations as those terms are defined by 40 CFR 122.23, that was constructed after November 30, 2003, and operates in compliance with the following conditions is permitted under this rule. In addition, any manure storage and application system directly associated with the livestock markets or livestock operations such that these manure storage and application systems are operated in compliance with the following conditions are also permitted under this rule:

A. All facilities shall implement the following building cleanliness and ventilation practices:

(I) Buildings shall be cleaned thoroughly between groups of animals;

(II) Manure and spilled feed shall be scraped from aisles on a regular basis, at least once per week;

(III) Ventilation fans, louvers, and cowlings shall be regularly cleaned to prevent excessive buildup of dust, dirt, or other debris that impairs performance of the ventilation system;

(IV) Air inlets shall be cleaned regularly to prevent excessive buildup of dust, dirt, or other debris that reduces airflow through the inlets;

(V) Ceiling air inlets shall be adjusted to provide adequate airflow (based on design ventilation rates) to the building interior;

(VI) For high-rise structures, the manure storage area must include engineered natural or mechanical ventilation. This ventilation must be maintained and cleaned regularly to prevent excessive buildup of dust, dirt, or other debris that impairs performance of the ventilation system;

(VII) For deep-bedded structures, bedding and/or litter used in the animal living area must be maintained in a reasonably clean condition. Indications that the bedding is not reasonably clean include extensive caking, manure coating animals or birds, and the inability to distinguish bedding material from manure. Bedding or litter with excessive manure shall be removed and replaced with clean bedding or litter; and

(VIII) For automatic feed delivery systems, feed lines shall have drop tubes that extend into the feeder to minimize dust generation;

B. All facilities shall implement the following manure storage practices:

(I) Buildings with flush alleys, scrapers, or manure belts shall be operated to remove manure on a regular schedule, at least daily;

(II) Buildings with shallow pits, four feet (4') deep or less, shall be emptied on a regular schedule, at least once every fourteen (14) days;

(III) Feed, other than small amounts spilled by the animals, shall not be disposed of in the manure storage system;

(IV) All lagoons shall be regularly monitored for solids buildup, at least once every five (5) years. Lagoon sludge shall be removed and properly disposed of when the sludge volume equals the designed sludge volume; and

(V) Manure compost piles or windrows shall be turned or otherwise mixed regularly so that the temperature within the pile or windrow is maintained between one hundred five degrees Fahrenheit (105°F) and one hundred fifty degrees Fahrenheit (150°F);

C. The operator shall consider wind direction and velocity when conducting surface land application, and manure shall not be applied within five hundred feet (500') from a downwind inhabited residence;

D. Dead animals shall not be disposed of in the manure storage system unless the system is specifically designed and managed to allow composting of dead animals. Dead animals shall be removed from buildings daily; and

E. Record keeping. *(Not Applicable)*

(C) Revocation.

1. A permit-by-rule may be revoked upon request of the operator or for cause. For purposes of this paragraph, cause for revocation exists if—

(I) There is a pattern of unresolved and repeated noncompliance with the conditions of the permit-by-rule and the operator has refused to take appropriate action (such as a schedule of compliance) to resolve the noncompliance;

(II) The operator has failed to pay a civil or criminal penalty imposed for violations of the permit-by-rule; or

(III) It is determined through a technical analysis that emissions from the source interfere with the attainment or maintenance of ambient air quality standards.

2. Upon revocation of a permit-by-rule the operator shall obtain a permit, undergoing review under 10 CSR 10-6.060.

(4) Reporting and Record Keeping. In addition to the original notification required by paragraph (3)(A)2. of this rule, operators shall maintain records containing sufficient information to demonstrate compliance with all applicable permit-by-rule requirements as specified in subsection (3)(B) of this rule. These records shall be maintained at the installation for a minimum of five (5) years, and shall be made immediately available to inspectors upon their request. Operators shall also report to the Air Pollution Control Program, no later than ten (10) days after the end of the month during which the operation exceeded any of the permit-by-rule conditions.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.065 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 734–735). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received from the Associated General Contractors of Missouri, the Missouri Limestone Producers, the Friends of Agriculture for the Reform of Missouri Environmental Regulations (F.A.R.M.E.R.), and Ameren Services. The comments were supportive of the proposed amendment and were aimed at adding or correcting specific exemptions.

COMMENT: The Associated General Contractors of Missouri supports the exemption of portable equipment installations from operating permits.
RESPONSE: The department's Air Pollution Control Program appreciates this support. No change has been made as a result of this comment.

COMMENT: The Missouri Limestone Producers Association supports the exemption in paragraph (3)(C)20., but suggests that the term rock quarry be replaced with rock crushing plant.
RESPONSE AND EXLANATION OF CHANGE: The department's Air Pollution Control Program appreciates this support and has made this change as a result of this comment.

COMMENT: F.A.R.M.E.R. provided detailed comments on the regulatory background for livestock exemptions. In order to resolve ongoing litigation related to livestock exemptions, F.A.R.M.E.R. recommended exemption clarification language for the operating permit rule and permit-by-rule language for new livestock operations.
RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program is adding a livestock markets and operations permit-by-rule category to the new rule for permits-by-rule and has clarified the livestock exemption language in paragraph (3)(C)6.

COMMENT: Ameren Services commented on paragraph (3)(C)9. noting that the exemption for control equipment which eliminates all emissions is unrealistic. If the intention was to reference a high efficiency control device, a control efficiency should be specified.
RESPONSE: The origin of this exemption resulted from a review of exemptions given in other states, and this exemption was an obvious example of an activity that would not require an operating permit. It was not intended to exempt high efficiency control equipment, but activities such as totally enclosed processes that have no actual emissions. No changes were made to the rule as a result of this comment.

10 CSR 10-6.065 Operating Permits

(3) Applicability.

(C) Exempt Installations and Emission Units. The following installations and emission units are exempt from the requirements of this rule unless such units are part 70 or intermediate installations or are located at part 70 or intermediate installations. Emissions from exempt installations and emission units shall be considered when determining if the installation is a part 70 or intermediate installation:

1. Any installation that would be required to obtain a permit solely because it is subject to 10 CSR 10-6.070(7)(AAA) Standards of Performance for New Residential Wood Heaters;

2. Any installation that would be required to obtain a permit solely because it is subject to 10 CSR 10-6.240 or 10 CSR 10-6.250;

3. Single or multiple family dwelling units for not more than three (3) families;

4. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;

5. Equipment used for any mode of transportation;

6. Livestock markets and livestock operations, including animal feeding operations and concentrated animal feeding operations as those terms are defined by 40 CFR 122.23 and all manure storage and application systems associated with livestock markets or livestock operations;

7. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

8. Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment;

9. Equipment or control equipment which eliminates all emissions to the ambient air;

10. Equipment, including air pollution control equipment, but not including an anaerobic lagoon, that emits odors but no regulated air pollutants;

11. Residential wood heaters, cookstoves or fireplaces;

12. Laboratory equipment used exclusively for chemical and physical analysis or experimentation is exempt, except equipment used for controlling radioactive air contaminants;

13. Recreational fireplaces;

14. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption;

15. Combustion equipment that—

A. Emits only combustion products;

B. Produces less than one hundred fifty (150) pounds per day of any air contaminant; and

C. Has a maximum rated capacity of—

(I) Less than ten (10) million British thermal units (Btus) per hour heat input by using exclusively natural or liquefied petroleum gas, or any combination of these; or

(II) Less than one (1) million Btus per hour heat input;

16. Office and commercial buildings, where emissions result solely from space heaters using natural gas or liquefied petroleum gas with a maximum rated capacity of less than twenty (20) million Btus per hour heat input. Incinerators operated in conjunction with these sources are not exempt;

17. Any country grain elevator that never handles more than one million two hundred thirty-eight thousand six hundred fifty-seven (1,238,657) bushels of grain during any twelve (12)-month period and is not located within an incorporated area with a population of fifty thousand (50,000) or more. A country grain elevator is defined as a grain elevator that receives more than fifty percent (50%) of its grain from producers in the immediate vicinity during the harvest season. This exemption does not include grain terminals which are defined as grain elevators that receive grain primarily from other grain elevators. To qualify for this exemption the owner or operator of the facility shall retain monthly records of grain origin and bushels of grain received, processed and stored for a minimum of five (5) years to verify the exemption requirements. Monthly records must be tabulated within seven (7) days of the end of the month. Tabulated monthly records shall be made available immediately to Missouri Department of Natural Resources representatives for an announced inspection or within three (3) hours for an unannounced visit;

18. Sand and gravel operations that have a maximum capacity to produce less than seventeen and one-half (17.5) tons of product per hour and use only natural gas as fuel when drying;

19. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized, as authorized in section 269.020.6, RSMo 2000; and

20. Any asphaltic concrete plant, concrete batching plant or rock crushing plant that can be classified as a portable equipment installation, as defined in 10 CSR 10-6.020.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 13—Peace Officer Licenses

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.020.2, 590.030.6 and 590.040.2, RSMo Supp. 2002, the director amends a rule as follows:

11 CSR 75-13.010 Classification of Peace Officer Licenses **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 2, 2003 (28 MoReg 1043). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 14—Basic Training Centers

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under section 590.030.1, RSMo Supp. 2002, the director amends a rule as follows:

11 CSR 75-14.030 Standard Basic Training Curricula and Objectives **is amended**.

A notice of proposed rulemaking containing text of the proposed amendment was published in the *Missouri Register* on June 2, 2003 (28 MoReg 1043). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 14—Basic Training Centers

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under section 590.060.1, RSMo Supp. 2002, the director amends a rule as follows:

11 CSR 75-14.080 Minimum Requirements for a Basic Training Instructor **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 2, 2003 (28 MoReg 1044). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 144.270 and 144.705, RSMo 2000, the director withdraws a rule as follows:

12 CSR 10-110.900 Farm Machinery and Equipment Exemptions **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2003 (28 MoReg 881–885). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: No comments were received. Due to the enactment of House Bill 600 the proposed amendment is no longer appropriate. The department is withdrawing this proposed amendment.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 111—Sales/Use Tax—Machinery and Equipment Exemptions

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director amends a rule as follows:

12 CSR 10-111.010 Manufacturing Machinery and Equipment Exemptions **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2003 (28 MoReg 886–889). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: This proposed amendment is being withdrawn in order to revise the fiscal impact statement and consider comments received during the hearing before the Joint Committee on Administrative Rules.

The department received seven (7) comments on its proposed amendment, 12 CSR 10-111.010.

COMMENT: Three (3) comments suggested that the definitions of "materials" (12 CSR 10-111.010(2)(G)) and "supplies" (12 CSR 10-111.010(2)(L)) were too narrow and contained concepts not contained in the express terms of the statute. The commenters expressed the belief that tools should be encompassed within the definition of "materials" or "supplies."
RESPONSE: In *Lincoln Industrial, Inc. v. Director of Revenue*, 51 S.W.3d 462 (Mo. banc 2001), the Supreme Court made clear that each word used in the statute must be given its own meaning based on the plain meaning of the words of the statute. *See id.* at 463. The words "materials" and "supplies" must each be given their plain meaning in the context of a statute that exempts not only "materials and supplies," but also "machinery," "equipment" and "parts." The definitions proposed are based on dictionary definitions modified in light of this statutory context, standard accounting practices and common usage of these terms. The comments are correct that the statute does not expressly define these terms, but that does not make them meaningless. The department has interpreted these terms consistently with prior Supreme Court guidance.

It should be noted that tools purchased solely to install or construct machinery, equipment or parts could qualify as supplies in appropriate circumstances. Under the express terms of the statute, sole use is a requirement for claiming the exemption. Section 144.030.2(4), RSMo. If tools were purchased to install or construct machinery and used only for that purpose, the department considers such tools to be supplies. Because it is uncommon that tools would be purchased solely for such purposes, however, the department does not believe this would have a significant impact on taxpayers even if tools never qualified.

COMMENT: Two (2) commenters noted that the definition of "supplies" expressly excludes fuel, which the commenter believes should be included as a supply.
RESPONSE: The department believes the term "supplies" does not include fuel in the plain meaning of the language used in the statute and as defined in the regulation. The regulation expressly excludes fuel from the definition to avoid any misunderstanding on this point. Prior to the proposed amendment, a number of taxpayers presented this question, so the department believes this express reference is helpful in setting forth the department's interpretation.

Generally, when the legislature has sought to exempt fuel from sales tax, it has done so expressly. See, e.g., section 144.030.2(1) and (22). An exemption for fuel under this section would cost the state millions of dollars annually. Surely, if the legislature intended to enact such a large exemption, it would have done so expressly, as it has elsewhere, rather than through use of a generic term like "supplies." Therefore, the department will retain the definition as proposed.

COMMENT: Four (4) comments suggested removing the language in 12 CSR 10-111.010(2)(K) stating that an item must be *substantially* used in manufacturing to qualify for the exemption because substantial use is not expressly mentioned in the statute. One (1) commenter suggested that "substantially" be defined.
RESPONSE: The Supreme Court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001), relied on the substantial manufacturing use of the machinery or equipment in allowing this exemption. Therefore, the department believes this is a correct statement of the law.

COMMENT: Four (4) comments stated that the regulation provisions allowing an exemption for the percentage of use for a manufacturing purpose and disallowing the exemption for non-manufacturing uses was not supported by statute. See 12 CSR 10-111.010(3)(E) and examples.
RESPONSE: Traditionally, the department has viewed the manufacturing exemptions as an all or nothing proposition. In a traditional, i.e., non-computerized, manufacturing environment, this approach made sense. Machinery and equipment purchased for use on a production line was seldom if ever used for non-manufacturing purposes. However, computers have changed the environment.

An actual Supreme Court case best illustrates the issue. In *DST*, the taxpayer printed information distributed to its customers. It collected approximately three (3) million dollars in total tax on the sale of this printed information over a period of ten (10) years. During this period, it purchased a massive computer system and paid more than ten (10) million dollars in tax on that purchase. Approximately fifteen–twenty percent (15–20%) of the capacity of this computer system was used for printing the information. The remaining eighty–eighty-five percent (80–85%) was used for non-exempt purposes. The taxpayer claimed the entire purchase was exempt and sought a refund. The department, following its traditional all or nothing approach, argued that none of the purchase was exempt.

The Supreme Court found in favor of the taxpayer, which required the state to refund the entire ten (10) million dollars plus in tax paid, plus interest. Had the department argued the percentage allocation set forth in this regulation and prevailed, the refund would have only been approximately one and one-half to two (1.5–2.0) million dollars. Because the prior regulation did not expressly state that the department would apply a percentage allocation, however, the department felt it could not make that argument.

Significantly, the Supreme Court noted that the regulation did contain a percentage allocation in very limited circumstances. The Court

declined to consider that argument in the context of *DST*, however, because the regulation was not in effect at the times at issue in that case and was not raised by the parties. The Court stated, however: "The statute . . . does not seem to preclude an apportionment scheme." 43 S.W.3d at 804 n.5.

In light of the Supreme Court's statement that the statute appears not to preclude apportionment, the department believes that its fiduciary obligation to all taxpayers of this state requires the department to promulgate a regulation that allows the Supreme Court to determine this issue. The manufacturing exemption has been a part of this statute since long before computers became so prevalent. Only the Supreme Court, or the legislature through subsequent enactment, can determine whether the plain meaning of the statute allows a taxpayer to claim a one hundred percent (100%) deduction, amounting to additional millions in refunds, even when the computer equipment is used less than twenty percent (20%) for exempt manufacturing activity.

COMMENT: Two (2) commenters suggested that 12 CSR 10-111.010(3)(F) incorrectly required that entities claiming an exemption under the integrated plant doctrine have common ownership.
RESPONSE: The Supreme Court in *Utilicorp United, Inc. v. Director of Revenue*, 75 S.W.3d 725 (Mo. banc 2002), specifically precluded an entity under different ownership from claiming the advantage of the integrated plant doctrine. *Id.* at 729. The Court has never extended the doctrine to entities under different ownership. Because the Court created the integrated plant doctrine even though the concept is not contained in the statute, it presumably may limit the doctrine it created. Therefore, the department believes this is a correct statement of applicable law.

COMMENT: One (1) commenter objects that 12 CSR 10-111.010(4)(J) requires a taxpayer actually remit tax in another state in order to be considered to be "subject to tax" in that state.
RESPONSE: The manufacturing machinery and equipment exemptions found in section 144.030.2(4) and (5), RSMo, both require that the machinery or equipment be used directly in manufacturing a "product which is intended to be sold ultimately for final use or consumption." This phrase is defined in section 144.010.1(14) to mean property or services "subject to state or local sales or use taxes . . . in this state or any other state."

A seller may provide a service that would be subject to tax in another state if the seller made taxable sales in that state, but may never make taxable sales in that state. The commenter argues that the legislature intended the manufacturer to qualify for the exemption even if no taxable sales were ever made in that state. This is contrary to the plain meaning of the word "is."

The legislature did not use the phrase "may be (or might be) subject to tax". Instead, the word "is" clearly indicates that the service or product is, at the time of the sale, in fact subject to tax. Actual payment of tax is the only sure test of whether such sales satisfy the legislative requirement. The plain meaning of the common verb "is" should not be obscured by arguments made by clever lawyers.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2002 and 50.1210–50.1260, RSMo 2000 and Supp. 2002, the board amends a rule as follows:

16 CSR 50-2.035 Payment of Benefits **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 2, 2003 (28 MoReg 1047). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2002, and 50.1210–50.1260, RSMo 2000 and Supp. 2002, the board amends a rule as follows:

16 CSR 50-2.090 Normal Retirement Benefit **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 2, 2003 (28 MoReg 1047). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

IN ADDITION

In an order of rulemaking published in the *Missouri Register* on January 16, 2002 (27 MoReg 177–183) changes were made to the text of the rule that changed a citation in 10 CSR 10-6.050(4)(A) from "subsection (3)(D)" to "paragraph (3)(C)2." This section was published in the *Code of State Regulations*, so we are now correcting this in the September 30, 2003 *Code* update to read:

10 CSR 10-6.050 Start-Up, Shutdown and Malfunction Conditions

(4) Reporting and Record Keeping.

(A) The information specified in *[subsection .(C)]* **paragraph (3)(C)2**. shall be submitted to the director not later than fifteen (15) days after receipt of the notice of excess emissions. Information regarding the type and amount of emissions and time of the episode shall be recorded and kept on file. This data shall be included in emissions reported on any required Emissions Inventory Questionnaire.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY

NOTICE OF WINDING UP TO ALL CREDITORS AND CLAIMANTS AGAINST SENATE SQUARE 1999, L.L.C.

On August 7, 2003, Senate Square 1999, L.L.C., a Missouri Limited Liability Company (hereinafter "the Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective as of the date of filing by the Secretary of State.

The Company requests that all persons and organizations with claims against it present them immediately, by letter, to the attention of: Herbert J. Baumann, CPM, Baumann Properties Company, Inc., 217 Clarkson Executive Park, St. Louis, Missouri 63011. Each claim must include the following information:

1. Name, address and telephone number of the claimant.
2. The amount of the claim.
3. The date the claim arose.
4. The basis for the claim.
5. Documentation in support of the claim.

Pursuant to Section 347.141(3) R.S.Mo., all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF
AND CLAIMANTS AGAINST
H. J. TYRRELL COMPANY, INC.

On July 31, 2003, H. J. Tyrrell Company, Inc., a Missouri corporation (the "Corporation") agreed to dissolve and wind up the Corporation.

The Corporation requests that all persons and organizations who have claims against it present those claims immediately by letter to Richard A. Yawitz at Gallop, Johnson & Neuman, L.C., 101 South Hanley, Suite 1600, St. Louis, Missouri 63105. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, whether the claim was secured, and, if so, the collateral used as security.

NOTE: BECAUSE OF THE DISSOLUTION AND WINDING UP OF H.J. TYRRELL COMPANY, INC., ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO (2) YEARS AFTER THE DATE OF PUBLICATION OF THE NOTICES AUTHORIZED BY STATUTE.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—26 (2001), 27 (2002) and 28 (2003). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724
1 CSR 10-4.010	Commissioner of Administration		This Issue		
1 CSR 10-18.010	Commissioner of Administration		28 MoReg 1482		
1 CSR 15-3.320	Administrative Hearing Commission		28 MoReg 1266		
1 CSR 15-3.350	Administrative Hearing Commission		28 MoReg 1266		
1 CSR 20-2.015	Personnel Advisory Board and Division of Personnel		This Issue		
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		This Issue		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		This Issue		
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-2.010	Animal Health		28 MoReg 707	28 MoReg 1425	
2 CSR 30-2.020	Animal Health		28 MoReg 708 28 MoReg 708	28 MoReg 1425 28 MoReg 1426	
2 CSR 30-2.040	Animal Health		28 MoReg 711		
2 CSR 30-9.020	Animal Health		28 MoReg 1085		
2 CSR 30-9.030	Animal Health		28 MoReg 1086		
2 CSR 70-13.030	Plant Industries	This Issue	This Issue		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-1.010	Conservation Commission		28 MoReg 1483		
3 CSR 10-4.111	Conservation Commission		28 MoReg 1088	28 MoReg 1512	
3 CSR 10-5.352	Conservation Commission		28 MoReg 1267		
3 CSR 10-5.552	Conservation Commission		28 MoReg 1270		
3 CSR 10-5.553	Conservation Commission		28 MoReg 1273		
3 CSR 10-5.577	Conservation Commission		28 MoReg 1275		
3 CSR 10-5.578	Conservation Commission		28 MoReg 1277		
3 CSR 10-7.410	Conservation Commission		28 MoReg 1088	28 MoReg 1512	
3 CSR 10-7.440	Conservation Commission		N.A.	28 MoReg 1426	
3 CSR 10-7.455	Conservation Commission		28 MoReg 1089	28 MoReg 1512	
3 CSR 10-8.515	Conservation Commission		N.A.	28 MoReg 1512	
3 CSR 10-9.110	Conservation Commission		28 MoReg 1089	28 MoReg 1513	
3 CSR 10-11.160	Conservation Commission		28 MoReg 1089	28 MoReg 1513	
3 CSR 10-11.180	Conservation Commission		28 MoReg 1090 N.A.	28 MoReg 1513 28 MoReg 1513	
3 CSR 10-11.182	Conservation Commission		28 MoReg 1090 28 MoReg 1279	28 MoReg 1514	
3 CSR 10-11.186	Conservation Commission		28 MoReg 1091	28 MoReg 1514	
3 CSR 10-11.205	Conservation Commission		28 MoReg 1091	28 MoReg 1514	
3 CSR 10-12.110	Conservation Commission		28 MoReg 1092	28 MoReg 1514	
3 CSR 10-12.135	Conservation Commission		28 MoReg 1092	28 MoReg 1514	
3 CSR 10-12.140	Conservation Commission		28 MoReg 1093	28 MoReg 1515	
3 CSR 10-20.805	Conservation Commission		28 MoReg 1279		
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 30-3.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1483R		
4 CSR 30-3.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1483R		
4 CSR 30-3.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1484R		
4 CSR 30-3.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1484R		
4 CSR 30-3.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1484		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-16.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 852	28 MoReg 1515	
4 CSR 30-16.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 853	28 MoReg 1515	
4 CSR 30-16.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 854	28 MoReg 1515	
4 CSR 30-16.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855	28 MoReg 1515	
4 CSR 30-16.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855	28 MoReg 1516	
4 CSR 30-16.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855	28 MoReg 1516	
4 CSR 30-16.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 856	28 MoReg 1516	
4 CSR 30-16.100	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 856	28 MoReg 1516	
4 CSR 60-1.040	State Board of Barber Examiners		28 MoReg 1487		
4 CSR 60-4.015	State Board of Barber Examiners		28 MoReg 1491		
4 CSR 70-1.010	State Board of Chiropractic Examiners		28 MoReg 1491R 28 MoReg 1492		
4 CSR 70-2.020	State Board of Chiropractic Examiners		28 MoReg 1492		
4 CSR 70-2.030	State Board of Chiropractic Examiners		28 MoReg 1492		
4 CSR 70-2.040	State Board of Chiropractic Examiners		28 MoReg 1492		
4 CSR 70-2.045	State Board of Chiropractic Examiners		28 MoReg 1495		
4 CSR 70-2.050	State Board of Chiropractic Examiners		28 MoReg 1495		
4 CSR 70-2.060	State Board of Chiropractic Examiners		28 MoReg 1496		
4 CSR 70-2.065	State Board of Chiropractic Examiners		28 MoReg 1499		
4 CSR 70-2.070	State Board of Chiropractic Examiners		28 MoReg 1499		
4 CSR 70-2.080	State Board of Chiropractic Examiners		28 MoReg 1500		
4 CSR 70-2.081	State Board of Chiropractic Examiners		28 MoReg 1501		
4 CSR 70-2.090	State Board of Chiropractic Examiners		28 MoReg 1502		
4 CSR 70-2.100	State Board of Chiropractic Examiners		28 MoReg 1505		
4 CSR 70-3.010	State Board of Chiropractic Examiners		28 MoReg 1506		
4 CSR 100	Division of Credit Unions				28 MoReg 1219 28 MoReg 1391 28 MoReg 1526
4 CSR 100-2.080	Division of Credit Unions		28 MoReg 1279		
4 CSR 115-1.040	State Committee of Dietitians		28 MoReg 1280		
4 CSR 145-1.030	Missouri Board of Geologist Registration		28 MoReg 857	28 MoReg 1427	
4 CSR 145-2.030	Missouri Board of Geologist Registration		28 MoReg 857	28 MoReg 1427	
4 CSR 145-2.100	Missouri Board of Geologist Registration		28 MoReg 857	28 MoReg 1427	
4 CSR 150-2.080	State Board of Registration for the Healing Arts		28 MoReg 1507		
4 CSR 150-3.080	State Board of Registration for the Healing Arts		28 MoReg 1282		
4 CSR 150-3.170	State Board of Registration for the Healing Arts		28 MoReg 1284		
4 CSR 165-2.010	Board of Examiners for Hearing Instrument Specialists		28 MoReg 857	28 MoReg 1427	
4 CSR 165-2.030	Board of Examiners for Hearing Instrument Specialists		28 MoReg 858	28 MoReg 1427	
4 CSR 165-2.060	Board of Examiners for Hearing Instrument Specialists		28 MoReg 858	28 MoReg 1427	
4 CSR 200-4.021	State Board of Nursing		28 MoReg 1286		
4 CSR 200-4.100	State Board of Nursing		28 MoReg 1286		
4 CSR 220-2.010	State Board of Pharmacy		28 MoReg 543	28 MoReg 1428	
4 CSR 220-2.900	State Board of Pharmacy		28 MoReg 543	28 MoReg 1428	
4 CSR 220-5.020	State Board of Pharmacy		28 MoReg 1177		
4 CSR 231-2.010	Division of Professional Registration		28 MoReg 1286		
4 CSR 240-3.155	Public Service Commission		28 MoReg 1507		
4 CSR 240-3.180	Public Service Commission		28 MoReg 1024		
4 CSR 240-3.250	Public Service Commission		28 MoReg 1028		
4 CSR 240-40.018	Public Service Commission		28 MoReg 1032		
4 CSR 240-120.085	Public Service Commission		28 MoReg 1032	28 MoReg 1428W	
4 CSR 240-121.065	Public Service Commission		28 MoReg 1035	28 MoReg 1428W	
4 CSR 240-123.095	Public Service Commission		28 MoReg 1037	28 MoReg 1428W	
4 CSR 267-4.020	Office of Tattooing, Body Piercing and Branding	28 MoReg 947			
4 CSR 270-1.021	Missouri Veterinary Medical Board		28 MoReg 859	28 MoReg 1429	
4 CSR 270-1.031	Missouri Veterinary Medical Board		28 MoReg 861	28 MoReg 1429	
4 CSR 270-2.051	Missouri Veterinary Medical Board		28 MoReg 861	28 MoReg 1429	
4 CSR 270-4.031	Missouri Veterinary Medical Board		28 MoReg 861	28 MoReg 1429	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 270-4.042	Missouri Veterinary Medical Board		28 MoReg 861	28 MoReg 1429	
4 CSR 270-4.060	Missouri Veterinary Medical Board		28 MoReg 862	28 MoReg 1430	
4 CSR 270-7.010	Missouri Veterinary Medical Board		28 MoReg 864	28 MoReg 1430	
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 30-261.010	Division of Administrative and Financial Services		28 MoReg 1180		
5 CSR 50-310.010	Division of School Improvement		28 MoReg 1039R		
5 CSR 50-340.110	Division of School Improvement		28 MoReg 1039		
5 CSR 50-340.200	Division of School Improvement		28 MoReg 1040		
5 CSR 50-350.015	Division of School Improvement		28 MoReg 1042R		
5 CSR 50-350.040	Division of School Improvement		28 MoReg 640	28 MoReg 1388	
5 CSR 50-360.010	Division of School Improvement		28 MoReg 1042R		
5 CSR 50-370.010	Division of School Improvement		28 MoReg 1042R		
5 CSR 60-120.020	Vocational and Adult Education		28 MoReg 1181		
5 CSR 60-900.050	Vocational and Adult Education		28 MoReg 1093		
5 CSR 70-742.160	Special Education		28 MoReg 1042R		
5 CSR 90-4.410	Vocational Rehabilitation		28 MoReg 864	This Issue	
5 CSR 90-4.420	Vocational Rehabilitation		28 MoReg 864	This Issue	
5 CSR 90-5.410	Vocational Rehabilitation		28 MoReg 864	This Issue	
5 CSR 90-5.420	Vocational Rehabilitation		28 MoReg 867	This Issue	
5 CSR 90-5.440	Vocational Rehabilitation		28 MoReg 869	This Issue	
5 CSR 100-200.045	Missouri Commission for the Deaf and Hard of Hearing	This Issue	This Issue		
	DEPARTMENT OF HIGHER EDUCATION				
6 CSR 10-6.010	Commissioner of Higher Education		28 MoReg 956	28 MoReg 1516	
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-3.040	Missouri Highways and Transportation Commission	28 MoReg 1173R	28 MoReg 1182R		
7 CSR 10-6.010	Missouri Highways and Transportation Commission		28 MoReg 958		
7 CSR 10-6.015	Missouri Highways and Transportation Commission		28 MoReg 958		
7 CSR 10-6.020	Missouri Highways and Transportation Commission		28 MoReg 960		
7 CSR 10-6.030	Missouri Highways and Transportation Commission		28 MoReg 960		
7 CSR 10-6.040	Missouri Highways and Transportation Commission		28 MoReg 961		
7 CSR 10-6.050	Missouri Highways and Transportation Commission		28 MoReg 963		
7 CSR 10-6.060	Missouri Highways and Transportation Commission		28 MoReg 963		
7 CSR 10-6.070	Missouri Highways and Transportation Commission		28 MoReg 964		
7 CSR 10-6.080	Missouri Highways and Transportation Commission		28 MoReg 966		
7 CSR 10-6.085	Missouri Highways and Transportation Commission		28 MoReg 967		
7 CSR 10-6.090	Missouri Highways and Transportation Commission		28 MoReg 968		
7 CSR 10-6.100	Missouri Highways and Transportation Commission		28 MoReg 968		
7 CSR 10-17.010	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-25.010	Missouri Highways and Transportation Commission	28 MoReg 1173	28 MoReg 1182		
	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS				
8 CSR 10-3.130	Division of Employment Security	28 MoReg 948	28 MoReg 969	28 MoReg 1519	
	DEPARTMENT OF MENTAL HEALTH				
9 CSR 10-5.200	Director, Department of Mental Health		28 MoReg 1094		
9 CSR 10-5.220	Director, Department of Mental Health	28 MoReg 847	28 MoReg 873	28 MoReg 1519	
9 CSR 10-7.090	Director, Department of Mental Health	28 MoReg 848	28 MoReg 873	28 MoReg 1519	
9 CSR 10-7.130	Director, Department of Mental Health		28 MoReg 645	28 MoReg 1430	
9 CSR 25-2.005	Fiscal Management		28 MoReg 1371		
9 CSR 25-2.105	Fiscal Management		28 MoReg 1372		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
9 CSR 25-2.205	Fiscal Management		28 MoReg 1373R		
9 CSR 25-2.305	Fiscal Management		28 MoReg 1373		
9 CSR 25-2.405	Fiscal Management		28 MoReg 1375		
9 CSR 30-3.032	Certification Standards	28 MoReg 848	28 MoReg 874	28 MoReg 1519	
9 CSR 30-3.132	Certification Standards		28 MoReg 1376		
9 CSR 30-3.206	Certification Standards		28 MoReg 1508		
9 CSR 30-3.208	Certification Standards		28 MoReg 1508		
9 CSR 45-5.060	Division of Mental Retardation and Developmental Disabilities	28 MoReg 848	28 MoReg 874	28 MoReg 1520	
9 CSR 45-5.105	Division of Mental Retardation and Developmental Disabilities				28 MoReg 1320RUC
9 CSR 45-5.110	Division of Mental Retardation and Developmental Disabilities				28 MoReg 1321RUC
9 CSR 45-5.130	Division of Mental Retardation and Developmental Disabilities				28 MoReg 1327RUC
9 CSR 45-5.140	Division of Mental Retardation and Developmental Disabilities				28 MoReg 1333RUC
9 CSR 45-5.150	Division of Mental Retardation and Developmental Disabilities				28 MoReg 1338RUC
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR 10-2.070	Air Conservation Commission		28 MoReg 551	28 MoReg 1430	
10 CSR 10-2.260	Air Conservation Commission		This Issue		
10 CSR 10-2.390	Air Conservation Commission		28 MoReg 552	28 MoReg 1432	
10 CSR 10-3.090	Air Conservation Commission		28 MoReg 553	28 MoReg 1432	
10 CSR 10-4.070	Air Conservation Commission		28 MoReg 553	28 MoReg 1433	
10 CSR 10-5.160	Air Conservation Commission		28 MoReg 554	28 MoReg 1435	
10 CSR 10-5.480	Air Conservation Commission		28 MoReg 555	28 MoReg 1437	
10 CSR 10-6.020	Air Conservation Commission		28 MoReg 719	This Issue	
10 CSR 10-6.050	Air Conservation Commission				This Issue
10 CSR 10-6.060	Air Conservation Commission		28 MoReg 724	This Issue	
10 CSR 10-6.061	Air Conservation Commission		28 MoReg 728	This Issue	
10 CSR 10-6.062	Air Conservation Commission		28 MoReg 731	This Issue	
10 CSR 10-6.065	Air Conservation Commission		28 MoReg 734	This Issue	
10 CSR 10-6.070	Air Conservation Commission		28 MoReg 555	28 MoReg 1520	
10 CSR 10-6.075	Air Conservation Commission		28 MoReg 557	28 MoReg 1520	
10 CSR 10-6.080	Air Conservation Commission		28 MoReg 559	28 MoReg 1521	
10 CSR 10-6.110	Air Conservation Commission		28 MoReg 1095		
10 CSR 20-6.010	Air Conservation Commission		28 MoReg 1106		
10 CSR 25-12.010	Hazardous Waste Management Commission		28 MoReg 874		
10 CSR 30-2.020	Land Survey		28 MoReg 878	28 MoReg 1521	
10 CSR 30-2.030	Land Survey		28 MoReg 879	28 MoReg 1522	
10 CSR 30-2.040	Land Survey		28 MoReg 879	28 MoReg 1522	
10 CSR 30-2.060	Land Survey		28 MoReg 880	28 MoReg 1522	
10 CSR 30-2.070	Land Survey		28 MoReg 880	28 MoReg 1522	
10 CSR 30-2.080	Land Survey		28 MoReg 880	28 MoReg 1522	
10 CSR 30-2.090	Land Survey		28 MoReg 881	28 MoReg 1522	
10 CSR 30-2.100	Land Survey		28 MoReg 881	28 MoReg 1523	
10 CSR 60-2.015	Public Drinking Water Program		28 MoReg 735		
10 CSR 60-4.010	Public Drinking Water Program		28 MoReg 969		
10 CSR 60-4.020	Public Drinking Water Program		28 MoReg 736		
10 CSR 60-4.030	Public Drinking Water Program		28 MoReg 737		
10 CSR 60-4.040	Public Drinking Water Program		28 MoReg 739		
10 CSR 60-4.050	Public Drinking Water Program		28 MoReg 739		
10 CSR 60-4.055	Public Drinking Water Program		28 MoReg 744		
10 CSR 60-4.070	Public Drinking Water Program		28 MoReg 746		
10 CSR 60-4.090	Public Drinking Water Program		28 MoReg 747		
10 CSR 60-4.100	Public Drinking Water Program		28 MoReg 752		
10 CSR 60-5.010	Public Drinking Water Program		28 MoReg 973		
10 CSR 60-6.050	Public Drinking Water Program		28 MoReg 753		
10 CSR 60-7.010	Public Drinking Water Program		28 MoReg 753		
10 CSR 60-8.010	Public Drinking Water Program		28 MoReg 757R 28 MoReg 757		
10 CSR 60-8.030	Public Drinking Water Program		28 MoReg 764		
10 CSR 60-9.010	Public Drinking Water Program		28 MoReg 776		
10 CSR 70-5.040	Soil and Water Districts Commission	28 MoReg 1369			
10 CSR 140-2.020	Division of Energy				28 MoReg 1526
10 CSR 140-2.030	Division of Energy				28 MoReg 1526
	DEPARTMENT OF PUBLIC SAFETY				
11 CSR 10-5.010	Adjutant General	28 MoReg 1475	28 MoReg 1509		
11 CSR 40-6.010	Division of Fire Safety		28 MoReg 973	28 MoReg 1523	
11 CSR 40-6.020	Division of Fire Safety		28 MoReg 974	28 MoReg 1523	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
11 CSR 40-6.031	Division of Fire Safety		28 MoReg 974	28 MoReg 1523	
11 CSR 40-6.040	Division of Fire Safety		28 MoReg 977	28 MoReg 1523	
11 CSR 40-6.045	Division of Fire Safety		28 MoReg 977	28 MoReg 1523	
11 CSR 40-6.050	Division of Fire Safety		28 MoReg 977	28 MoReg 1523	
11 CSR 40-6.055	Division of Fire Safety		28 MoReg 978	28 MoReg 1524	
11 CSR 40-6.060	Division of Fire Safety		28 MoReg 980	28 MoReg 1524	
11 CSR 40-6.075	Division of Fire Safety		28 MoReg 980	28 MoReg 1524	
11 CSR 40-6.080	Division of Fire Safety		28 MoReg 980	28 MoReg 1524	
11 CSR 40-6.085	Division of Fire Safety		28 MoReg 981	28 MoReg 1524	
11 CSR 45-4.260	Missouri Gaming Commission		28 MoReg 34		
11 CSR 45-9.030	Missouri Gaming Commission		28 MoReg 1106		
11 CSR 45-10.030	Missouri Gaming Commission		28 MoReg 649	28 MoReg 1437W	
11 CSR 45-13.010	Missouri Gaming Commission		28 MoReg 1377		
11 CSR 45-13.020	Missouri Gaming Commission		28 MoReg 1377		
11 CSR 45-13.030	Missouri Gaming Commission		28 MoReg 1377		
11 CSR 45-13.045	Missouri Gaming Commission		28 MoReg 1378		
11 CSR 45-13.050	Missouri Gaming Commission		28 MoReg 1378		
11 CSR 45-13.051	Missouri Gaming Commission		28 MoReg 1379		
11 CSR 45-13.060	Missouri Gaming Commission		28 MoReg 1379		
11 CSR 45-13.070	Missouri Gaming Commission		28 MoReg 1380		
11 CSR 45-13.080	Missouri Gaming Commission		28 MoReg 1381		
11 CSR 45-30.540	Missouri Gaming Commission		28 MoReg 1110		
11 CSR 45-30.550	Missouri Gaming Commission		28 MoReg 1110		
11 CSR 75-13.010	Peace Officer Standards and Training Program		28 MoReg 1043	This Issue	
11 CSR 75-14.030	Peace Officer Standards and Training Program		28 MoReg 1043	This Issue	
11 CSR 75-14.080	Peace Officer Standards and Training Program		28 MoReg 1044	This Issue	
	DEPARTMENT OF REVENUE				
12 CSR 10-3.036	Director of Revenue		28 MoReg 1381R		
12 CSR 10-3.046	Director of Revenue		28 MoReg 1381R		
12 CSR 10-3.120	Director of Revenue		28 MoReg 1381R		
12 CSR 10-3.176	Director of Revenue		28 MoReg 1382R		
12 CSR 10-3.486	Director of Revenue		28 MoReg 1382R		
12 CSR 10-3.836	Director of Revenue		28 MoReg 1382R		
12 CSR 10-3.838	Director of Revenue		28 MoReg 1382R		
12 CSR 10-23.050	Director of Revenue *(Changed to 12 CSR 10-26.190)*		28 MoReg 1383		
12 CSR 10-23.190	Director of Revenue *(Changed to 12 CSR 10-26.180)*		28 MoReg 1110		
12 CSR 10-23.300	Director of Revenue		28 MoReg 1383		
12 CSR 10-23.330	Director of Revenue		28 MoReg 1384		
12 CSR 10-23.370	Director of Revenue		28 MoReg 1384		
12 CSR 10-23.420	Director of Revenue		28 MoReg 1384		
12 CSR 10-23.436	Director of Revenue		28 MoReg 1385R		
12 CSR 10-23.444	Director of Revenue		28 MoReg 1385R		
12 CSR 10-23.446	Director of Revenue		28 MoReg 981	28 MoReg 1524	
12 CSR 10-23.456	Director of Revenue		28 MoReg 1189		
12 CSR 10-23.458	Director of Revenue		28 MoReg 1386		
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12 CSR 10-26.180	Director of Revenue *(Changed from 12 CSR 10-23.190)*		28 MoReg 1110		
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4 CSR 267-4.020	Temporary Practitioner License	28 MoReg 947	October 24, 2003
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7 CSR 10-25.010	Skill Performance Evaluation Certificates for Commercial Drivers	28 MoReg 1173	February 26, 2004
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15 CSR 30-80.010	Redaction of the Social Security Numbers and Date of Birth from Business Entity Filings	28 MoReg 949	November 6, 2003

Department of Health and Senior Services

Office of the Director

19 CSR 10-33.040	Electronic Reporting of Patient Abstract Data by Hospitals for Public Syndromic Surveillance	28 MoReg 1247	January 2, 2004

Division of Health Standards and Licensure

19 CSR 30-40.309	Application and Licensure Requirements Standards for the Licensure and Relicensure of Ground Ambulance Services	28 MoReg 849	October 11, 2003

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03-01	Reestablishes the Missouri Lewis and Clark Bicentennial Commission	February 3, 2003	28 MoReg 296
03-02	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
03-03	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
03-04	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
03-05	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
03-06	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
03-07	Creates the Commission on the Future of Higher Education	March 17, 2003	28 MoReg 631
03-08	Lists Governor's Staff Who Have Supervisory Authority Over Departments	September 4, 2003	This Issue
03-09	Lists Governor's Staff Who Have Supervisory Authority Over Departments	March 18, 2003	28 MoReg 633
03-10	Creates the Missouri Energy Policy Council	March 13, 2003	28 MoReg 634
03-11	Creates the Citizens Advisory Committee on Corrections	April 1, 2003	28 MoReg 705
03-12	Declares Disaster Areas due to May 4 Tornadoes	May 5, 2003	28 MoReg 950
03-13	Calls National Guard to Assist in Areas Harmed by the May 4 Tornadoes	May 5, 2003	28 MoReg 952
03-14	Temporarily Suspends Enforcement of Environmental Rules due to the May 4th [et.al] Tornadoes	May 7, 2003	28 MoReg 954
03-15	Establishes the Missouri Small Business Regulatory Fairness Board	August 25, 2003	28 MoReg 1477

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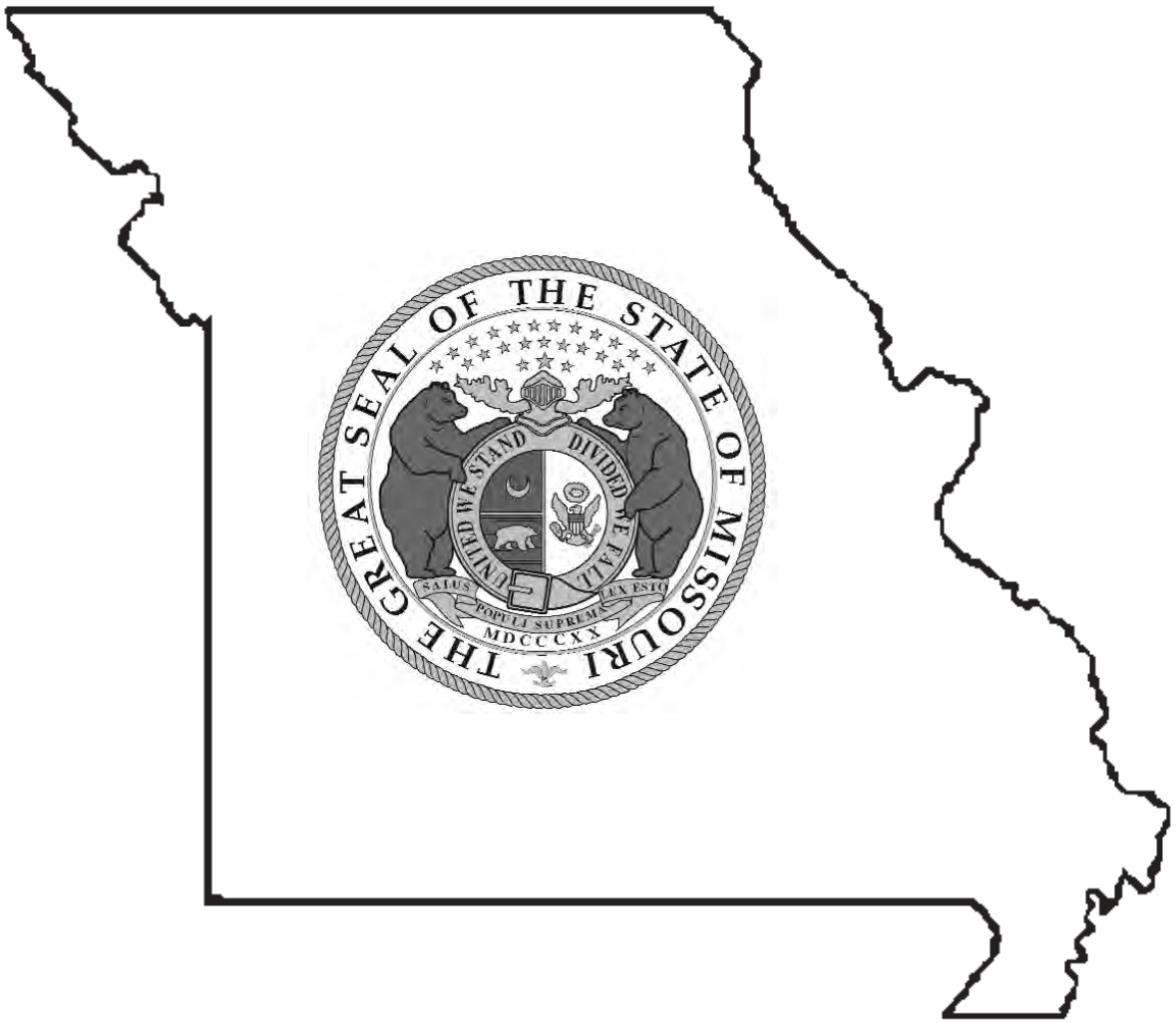

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